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No. 50] NEW DELHI, DECEMBER 4—DECEMBER 10, 2011, SATURDAY/AGRAHAYANA 13—AGRAHAYANA 19, 1933

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 28 नवम्बर, 2011

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 28th November, 2011

का. आ. 3501.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय रिजर्व बैंक द्वारा निर्धारित नियम और शर्तों के अध्यधीन, श्री किरण बी. वडोदरिया (जन्म तिथि 18-8-1960), को उनकी नियुक्ति की अधिसूचना की तिथि से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, यूनाइटेड बैंक ऑफ इंडिया के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

S. O. 3501.—In exercise of the powers conferred by sub-section 3 (h) and (3-A) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby appoints Shri Kiran B. Vadodaria (DoB : 18-8-1960) as part-time non-official Director on the Board of Directors of United Bank of India for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier, subject to the terms and conditions laid down by the Reserve Bank of India.

[फा. सं. 6/50/2010-बीओ-1]

विजय मल्होत्रा, अवर सचिव

[F.No. 6/50/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 29 नवम्बर, 2011

का. आ. 3502.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारत के राजपत्र असाधारण के भाग II, खंड 3, उप-खंड (ii) में भारत सरकार, वित्त मंत्रालय, पूर्व आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की 31 अगस्त, 2006 के सं.का.आ. 1372 के तहत प्रकाशित अधिसूचना में निम्नलिखित संशोधन करती है, नामतः :—

उपर्युक्त अधिसूचना के पैरा संख्या 2 में 'तमिलनाडु राज्य के धर्मापुरी, कृष्णागिरी, सेलम, नमक्काल, ईरोड, कुड्डालोर, विल्लुपुरम, कांचीपुरम, तिरुवेल्लूर, वेल्लोर तथा तिरुवन्नामलाई, करूर, कोयम्बतूर तथा नीलगिरी जिलों' शब्दों के स्थान पर 'तमिलनाडु राज्य के धर्मापुरी, कृष्णागिरी, सेलम, नमक्काल, ईरोड, कुड्डालोर, विल्लुपुरम, कांचीपुरम, तिरुवेल्लूर, वेल्लोर, तिरुवन्नामलाई, करूर, कोयम्बतूर, नीलगिरी तथा तिरुप्पुर जिले' शब्द प्रतिस्थापित किए जाएंगे।

[फा. सं. 1/8/2007-आरआरबी]

सुरेश सी. आर्य, वरिष्ठ अनुसंधान अधिकारी

टिप्पणी : मूल अधिसूचना दिनांक 31 अगस्त, 2006 को भारत के राजपत्र, असाधारण के भाग II, खण्ड 3, उप-खण्ड (ii) में सं. का.आ. 1384 (अ) के तहत प्रकाशित की गई थी।

New Delhi, the 29th November, 2011

S.O. 3502.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendments in the Notification of the Government of India, in the Ministry of Finance, erstwhile Department of Economic Affairs (Banking Division) number S.O.1372 dated the 31st August, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), namely :—

In the said Notification, in paragraph 2, for the words "Dharmapuri, Krishnagiri, Salem, Namakkal, Erode, Cuddalore, Villupuram, Kancheepuram, Tiruvallur, Vellore, Thiruvannamalai, Karur, Coimbatore and Nilgiri Districts of the State of Tamil Nadu", the words "Dharmapuri, Krishnagiri, Salem, Namakkal, Erode, Cuddalore, Villupuram, Kancheepuram, Tiruvallur, Vellore, Thiruvannamalai, Karur, Coimbatore, Nilgiri and Tiruppur Districts of the State of Tamil Nadu" shall be substituted.

[F.N. 1/8/2007-RRB]

SURESH C. ARYA, Senior Research Officer

Note :— The principal notification was published vide number S.O.1384 (E) dated the 31st August, 2006 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii).

नई दिल्ली, 30 नवम्बर, 2011

का. आ. 3503.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड के श्री दीपांकर गुप्ता को अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मंडल में श्री लक्ष्मी चन्द के स्थान पर निदेशक के रूप में नामित करती है।

[फा. सं. 7/4/2011-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 30th November, 2011

S. O. 3503.—In exercise of the powers conferred by Clause (c) of the sub-section (1) of Section 6 of read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with Reserve Bank of India, hereby nominate Shri Dipankar Gupta from the Central Board of Reserve Bank of India as a Director on the Board of Directors of the National Bank for Agriculture and Rural Development (NABARD) for a period of three years from the date of notification or until further orders, whichever is earlier vice Shri Lakshmi Chand.

[F.No. 7/4/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 2 दिसम्बर, 2011

का. आ. 3504.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों) का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कालम 2 में विनिर्दिष्ट व्यक्तियों को उक्त सारणी के कालम 3 में विनिर्दिष्ट व्यक्तियों के स्थान पर इसके कालम (1) में विनिर्दिष्ट बैंकों के निदेशक के रूप में तत्काल प्रभाव से और अगले आदेश होने तक नामित करती है :—

1	2	3
देना बैंक	श्री एस. के. जिन्दल, निदेशक, वित्तीय सेवाएं विभाग	डॉ तरसेम चन्द
कार्पोरेशन बैंक	श्री एल. के. मीना, निदेशक, वित्तीय सेवाएं विभाग	श्री ललित कुमार
युनाइटेड बैंक आफ इंडिया	श्री संदीप कुमार, निदेशक, वित्तीय सेवाएं विभाग	श्री एस. के. जिन्दल

1	2	3
विजया बैंक	श्री बी. के. चोपड़ा, उप सचिव, वित्तीय सेवाएं विभाग	श्री एल. के. मीना
यूको बैंक	श्री प्रवीण रावल, उप सचिव, वित्तीय सेवाएं विभाग	डॉ. के. एल. प्रसाद

[फा. सं. 6/1/2010-बीओ-1]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 2nd December, 2011

S.O. 3504.—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of Clause 3, of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominate the persons specified in column 2 of the table below as Directors of the Banks specified in column 1 thereof in place of the persons specified in column 3 of the said table, with immediate effect and until further orders:—

TABLE

1	2	3
Dena Bank	Shri. S. K. Jindal, Director, Department of Financial Services	Dr. Tarsem Chand
Corporation Bank	Shri. L. K. Meena, Director, Department of Financial Services	Shri Lalit Kumar
United Bank of India	Shri. Sandeep Kumar, Director, Department of Financial Services	Shri S. K. Jindal
Vijaya Bank	Shri. V. K. Chopra, Deputy Secretary, Department of Financial Services	Shri L. K. Meena

1	2	3
UCO Bank	Shri Pravin Rawal, Deputy Secretary, Department of Financial Services	Dr. K. L. Prasad

[F. No. 6/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

(औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण)

नई दिल्ली, 5 दिसम्बर, 2011

का. आ. 3505.—इस प्राधिकरण की दिनांक 16 दिसम्बर, 2010 की समसंख्यक अधिसूचना के क्रम में रेल डिब्बा कारखाना कपूरथला कार्यालय महाप्रबन्धक कार्मिक रेडिका/कपूरथला में स्थायी रूप से कार्यरत निजी सचिव श्री रघुबीर सिंह को रु. 10,000-325-15,200 संशोधित वेतनमान पी बी-3 रु. 15,600-39100 + 6600 प्रतिमाह के वेतनमान में प्रमुख निजी सचिव के रूप में की गई प्रतिनियुक्ति की अवधि पूर्व निबन्धनों और शर्तों सहित दिनांक 1-1-2012 (पूर्वाहन) से अगले एक वर्ष दिनांक 31-12-2012 तक या अगले आदेश तक या इस प्राधिकरण की समाप्ति तक, जो भी पूर्व घटित हो, बढ़ा दी गई है।

[फा. सं. 1/1/2010-प्रशा.]

दया नन्द, अवर सचिव

**(Appellate Authority For Industrial And Financial
Reconstruction)**

New Delhi, the 5th December, 2011

S. O. 3505.—In continuation of this Authority's Notification of even number dated 16-12-2010, the term of deputation of Shri Raghuvir Singh, a permanent PS of Rail Coach Factory, Kapurthala, as Principal Private Secretary (PPS) in this Authority on deputation basis in the pre-revised Pay Scale of Rs.10,000-325-15,200 (Revised Pay Band PB-3 Rs. 15,600—391,00+6600 Grade Pay) is hereby, extended for a further period of one year w.e.f. 1-1-2012 (F/N) to 31-12-2012 or till abolition of this Authority or until further orders, whichever is earlier, on the same terms and conditions.

[F. No. 1/1/2010-Admin.]

DAYA NAND, Under Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 19 अक्टूबर, 2011

का.आ. 3506.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में —

उक्त प्रथम अनुसूची में "कन्नूर विश्वविद्यालय," के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2	3
"बैचलर ऑफ मेडिसिन एवं बैचलर ऑफ सर्जरी"	एम.बी.बी.एस (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह कन्नूर मेडिकल कॉलेज, कन्नूर, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में कन्नूर विश्वविद्यालय द्वारा जुलाई, 2011 में अथवा उसके पश्चात प्रदान की गई हो)

[सं. यू-12012/193/2005-एमई-(पी-II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 19th October, 2011

S.O. 3506.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

(a) In the said First Schedule against "Kannur University" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration' [in column (3)] the following shall be inserted namely :—

2	3
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Kannur University in respect of students being trained at Kannur Medical College, Kannur, Kerala on or after July, 2011.

[No. U-12012/193/2005-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 21 अक्टूबर, 2011

का.आ. 3507.—केन्द्र सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा परिषद् से परामर्श करने के बाद, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में —

(क) उक्त प्रथम अनुसूची में केरल विश्वविद्यालय और उससे संबंधित प्रविष्टियों के बाद केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर केरल जोड़ा जायेगा और केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल के समक्ष मान्यताप्राप्त चिकित्सा अर्हता [इसके बाद कॉलम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और पंजीकरण के लिए संक्षेपण [इसके बाद कॉलम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, नामतः—

2	3
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम बी बी एस (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह चिकित्सा महाविद्यालय गांधीनगर, कोट्टायम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह मालंकारा ओर्थोडोक्स सीरियन चर्च चिकित्सा महाविद्यालय कोलेनचेरी, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह श्री नारायण आयुर्विज्ञान संस्थान, चलक्का, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह पुष्पागिरी चिकित्सा महाविद्यालय, पुष्पागिरी, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्नमेंट मेडिकल कॉलेज, कोझिकोड, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह के.एम.सी.टी. मेडिकल कॉलेज मनासेरी, मक्कम, कोझिकोड में प्रशिक्षित किए जा रहे विद्यार्थियों के संबद्ध में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल विश्वविद्यालय द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम ई एस मेडिकल कॉलेज पेरिनथलमना, मल्लपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबद्ध में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह करुणा मेडिकल कॉलेज पल्लकड, चित्तौड़, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबद्ध में केरल स्वास्थ्य विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह अमला आयुर्विज्ञान संस्था, त्रिचूर, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबद्ध में केरल स्वास्थ्य और संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

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3

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गर्वनमेंट मेडिकल कॉलेज, त्रिचूर, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबद्ध में केरल स्वास्थ्य विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह जुबिली मिशन मेडिकल कॉलेज एवं अनुसंधान संस्थान त्रिचूर, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह तिरुमाला देवासम मेडिकल कॉलेज, अल्पुझ्झा, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. एसएमसीएसआई मेडिकल कॉलेज, कराकोनम तिरुवनंतपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह मालाबार मेडिकल कॉलेज कोझिकोड, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 या उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह श्री गाकुलम मेडिकल कॉलेज एवं रिसर्च, तिरुवनंतपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह श्री एसयूटी आयुर्विज्ञान अकादमी, तिरुवनंतपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह अजीजिया आयुर्विज्ञान एवं अनुसंधान संस्थान मियानूर, कोल्लम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

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“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह त्रावणकोर मेडिकल कॉलेज, कोल्लम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्नमेंट मेडिकल कॉलेज, तिरुवनन्तपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह आयुर्विज्ञान अकादमी परियारम मेडिकल कॉलेज, कून्नूर, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह कून्नूर मेडिकल कॉलेज, कून्नूर, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

“बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी”

एम बी बी एस

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह कोऑपरेटिव मेडिकल कॉलेज एरनाकुल्लम, कोची, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल स्वास्थ्य एवं संबद्ध विज्ञान विश्वविद्यालय, त्रिचूर, केरल द्वारा दिनांक 7-12-2009 अथवा उसके बाद प्रदान की गई हो)

[सं. यू-12012/57/2011-एमई-(पी-II)]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 21st October, 2011

S.O. 3507.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule —

In the said First Schedule after “Kerala University” and entries thereto “Kerala University of Health & Allied Sciences, Thrissur, Kerala” shall be added and against “Kerala University of Health & Allied Sciences, Thrissur, Kerala” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)] the following shall be inserted namely:—

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“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Medical College, Gandhinagar, Kottayam, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Malankara Orthodox Syrian Church Medical College, Kolencherry, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Sree Narayana Institute of Medical Sciences, Chalakka, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Pushpagiri Medical College, Pushpagiri, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Govt. Medical College, Kozhikode, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at KMCT Medical College, Manassery, Mulkam, Kozhikode, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at MES Medical College, Perinthalmanna, Malappuram, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Karuna Medical College, Palakkad, Chittor, Kerala on or after 7-12-2009.)

“Bachelor of Medicine and Bachelor of Surgery”

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Amla Institute of Medical Sciences, Thrissur, Kerala on or after 7-12-2009.)

2	3
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Govt. Medical College, Thrissur, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Jubilee Mission Medical College & Research Institute Thrissur, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Tirumala Devasom Medical College, Alappuzha, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained an SMCSI Medical College , Karakonam, Thiruvananthapuram, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Malabar Medical College , Kozhikode, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Sree Gokulam Medical College & Research , Thiruvananthapuram, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at SUT Academy of Medical Sciences, Thiruvananthapuram , Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Azeezia Institute of Medical Sciences & Research , Meeyannoor, Kollam, Kerala on or after 7-12- 2009.)</p>
“Bachelor of Medicine and Bachelor of Surgery”	<p>M.B.B.S.</p> <p>(This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Travancore Medical College , Kollam, Kerala on or after 7-12- 2009.)</p>

2	3
“Bachelor of Medicine and Bachelor of Surgery”	M.B.B.S. (This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Govt. Medical College, Thiruvananthapuram, Kerala on or after 7-12-2009.)
“Bachelor of Medicine and Bachelor of Surgery”	M.B.B.S. (This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Academy of Medical Sciences, Pariyaram Medical College, Kannur, Kerala on or after 7-12-2009.)
“Bachelor of Medicine and Bachelor of Surgery”	M.B.B.S. (This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Kannur Medical College, Kannur, Kerala on or after 7-12-2009.)
“Bachelor of Medicine and Bachelor of Surgery”	M.B.B.S. (This shall be a recognized medical qualification when granted by Kerala University of Health & Allied Sciences, Thrissur, Kerala in respect of students being trained at Co-operative Medical College, Ernakulam, Kochi, Kerala on or after 7-12-2009.)

[No.U-12012/57/2011-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 1 नवम्बर, 2011

का.आ. 3508.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त प्रथम अनुसूची में “केरल विश्वविद्यालय,” के समक्ष शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2	3
“बैचलर ऑफ मेडिसिन एवं बैचलर ऑफ सर्जरी”	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह श्री उथरडम थिरूनल आयुर्विज्ञान अकादमी, थिरुवनन्तपुरम, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल विश्वविद्यालय द्वारा अगस्त, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

[सं. यू-12012/116/2002-एमई-(पी-II)]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 1st November, 2011

S.O. 3508.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

(a) In the said First Schedule against “Kerala University” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading ‘Abbreviation for Registration’ [in column (3)] the following shall be inserted namely:—

1

2

Bachelor of Medicine and
Bachelor of Surgery

M.B.B.S.

(This shall be a recognized medical qualification when granted by Kerala University in respect of students being trained at Sree Uthardom Thirunal Academy of Medical Sciences, Thiruvananthapuram, Kerala on or after August, 2011).

[No. U-12012/116/2002-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 14 नवम्बर, 2011

शुद्धि-पत्र

का.आ. 3509.—इस विभाग की अधिसूचना संख्या यू-12012/2/2010-एमई-(पी-II) खंड-III दिनांक 25-5-2010 के क्रम में और केन्द्र सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा परिषद् से परामर्श करने के बाद, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, नामतः—

उक्त अनुसूची में —

“राजस्थान विश्वविद्यालय/राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर” के समक्ष, ‘पंजीकरण के लिए संक्षेपण’ (कॉलम 3), शीर्षक के अंतर्गत एम डी (सूक्ष्म जीव विज्ञान) अर्हता एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह जे एल एन चिकित्सा महाविद्यालय, अजमेर में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजस्थान विश्वविद्यालय/राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर द्वारा 1993 की बजाय 1987 में या उसके बाद प्रदान की गई हो।

[सं. यू-12012/2/2010-एमई-(पी-II)खण्ड-III]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 14th November, 2011

CORRIGENDUM

S.O. 3509—In continuation to this Department's Notification No.U-12012/2/2010-ME (P.II)Vol. III dated 25-5-2010, and exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule:—

“against “Rajasthan University/Rajasthan University of Health Sciences, Jaipur”, under the heading ‘Abbreviation for Registration’ (column 3), the MD (Microbiology) qualification shall be a recognised medical qualification when granted by Rajasthan University/Rajasthan University of Health Sciences, Jaipur in respect of students being trained at J.L.N. Medical College, Ajmer on or after 1987 instead of 1993”.

[No. U-12012/2/2010-ME (P.II) Vol. III]

ANITA TRIPATHI, Under Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 21 नवम्बर, 2011

का.आ. 3510.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के उपक्रम नेशनल सीड्स कारपोरेशन लिमिटेड, नई दिल्ली के अंतर्गत निम्नलिखित कार्यालयों को जिसके 80% कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, प्लॉट नंबर 132-ए, औद्योगिक क्षेत्र, जलगांव-425001
2. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, ए-78, एम.आई.डी.सी.क्षेत्र, निकट हनुमान दाल मिल, अमरावती-444605
3. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, एफ-8/2, एम.आई.डी.सी.क्षेत्र, नारेगांव रोड, चिकालथाना, औरंगाबाद-431210
4. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, उल्हास सदन, तृतीया बिरला गेट के पास, तापड़िया नगर, अकोला-444001
5. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, करदिले निवास, मार्केट यार्ड के पीछे, अहमदनगर-414001

6. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 295-ई, कोल्ड स्टोरेज, न्यू मुम्बई-आगरा रोड, नासिक-422001
7. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, प्रथम तल, अध्यापक भवन, एस.टी.स्टैण्ड के सामने, गणेश पेठ, नागपुर-440018
8. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, प्रधान बिल्डिंग, हकीमपाड़ा, सिलीगुडी-734401, जिला दार्जीलिंग, पश्चिम बंगाल
9. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, जगन्नाथ अपार्टमेंट के सामने, अस्पताल रोड, सिलचर-788005
10. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, प्लॉट नं. 5 और 6, रुदा ट्रांसपोर्ट नगर, बर्जर पेंटस के पास, पोस्ट बाक्स नं. 1013, राजकोट-360001
11. क्षेत्रिय कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, यू.ए.एस. कैम्पस, हैब्सल, बंगलौर -560024
12. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, यू.ए.एस. कैम्पस, हैब्सल, बंगलौर -560024
13. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 732-ए, गुग्गरहट्टी, बैल्लारी- बंगलौर रोड, बैल्लारी -583102
14. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, कृषिका समाज बिल्डिंग, के.एस.आर.टी.सी. बस स्टैण्ड के सामने, पी.बी. रोड, दावनगिरी-577022
15. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 108/10, नाडाकट्टी बिल्डिंग, सौंदत्ती रोड, धारवाड़ -580001
16. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, डोडामंडीगनाहल्ली, कांडली पोस्ट; हासन -573217
17. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, ग्राम व पोस्ट-देवीहौजर, हावेरी -581110
18. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 159,ए - ब्लाक, एपीएमसी काम्पलैक्स, बंदीपाल्या, मैसूर- 570025
19. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, गंज रोड, रायचुर -584102
20. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 32/1068, श्याम नगर, इंदिरा चौक, रायपुर-492006 (छत्तीसगढ़)
21. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, चारिंग क्रॉस, ऊटकामंड-643001
22. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, आई. टी. आई. के पीछे, काजीकोड पश्चिम (डाकघर), पलक्कड-678623 (केरल)
23. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 21/75, जयश्री बिल्डिंग, किल्लीपलम रोड, करमन, तिरुवनंतपुरम-695002
24. प्रक्षेत्र कार्यालय एवं गुण नियंत्रण प्रयोगशाला, नेशनल सीड्स कारपोरेशन लिमिटेड, 17-11, तुकाराम गेट, उत्तर लालागुडा, सिकंदराबाद -500017
25. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, डाकघर ऑटोनगर, गुण्डूर- 522001
26. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 3 एवं 4, इण्डस्ट्रियल एस्टेट, करनूल -518003
27. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, कोयलकुंतला रोड, नूनेपल्ली, नन्दयाल -518503, जिला - करनूल
28. प्रक्षेत्र कार्यालय, नेशनल सीड्स कारपोरेशन लिमिटेड, 2-11, मोडीकोंदा, हनमकोण्डा मंडल, वरंगल -506142

[सं. 3-3/2011-हि.नौ.]

उमा गोयल, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)

New Delhi, the 21st November, 2011

S.O. 3510.— In pursuance of Sub Rule (4) of the Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices which are under the administrative control of the National Seeds Corporation Ltd., an undertaking of the Department of the Agriculture & Cooperation, Ministry of Agriculture, whereof 80% staff have acquired the working knowledge of Hindi—

1. Area Office, National Seeds Corporation Ltd., Plot No. 132-A, Industrial Area, Jalgaon - 425001.
2. Area Office, National Seeds Corporation Ltd., A-78, MIDC Area, Near Hanuman Dal Mill, Amravati-444605.

3. Area Office, National Seeds Corporation Ltd., F-8/2, MIDC Area, Naregaon Road Chikalhana, Aurangabad-431210.
4. Area Office, National Seeds Corporation Ltd., Ulhas Sadan, Near 3rd Birla Gate, Tapadia Nagar, Akola-444001.
5. Area Office, National Seeds Corporation Ltd., Kardile Niwas behind Market Yard, Ahmednagar-414001.
6. Area Office, National Seeds Corporation Ltd., 295-E, Cold Storage, New Mumbai - Agra Road, Nasik-422001.
7. Area Office, National Seeds Corporation Ltd., 1st Floor, Adhyapak Bhawan, Opp. S.T. Stand, Ganesh Peth, Nagpur-440018.
8. Area Office, National Seeds Corporation Ltd., Pradhan Building, Hakimpara, Siliguri-734401, Dist. Darjeeling, West Bengal.
9. Area Office, National Seeds Corporation Ltd., In front of Jagannath Apartment, Hospital Road, Silcher-788005.
10. Area Office, National Seeds Corporation Ltd., Plot No. 5&6, Ruda Transport Nagar, Near Berger Paints, Post Box No. 1013, Rajkot-360001.
11. Regional Office, National Seeds Corporation Ltd., UAS Campus, Hebbal, Bangalore-560024.
12. Area Office, National Seeds Corporation Ltd., UAS Campus, Hebbal, Bangalore -560024.
13. Area Office, National Seeds Corporation Ltd., No.732-A, Guggarahatti, Bellary-Bangalore Road, Bellary-583102.
14. Area Office, National Seeds Corporation Ltd., Krishika Samaja Building, Opp. KSRTC Bus Stand, PB Road, Davanagere-577022.
15. Area Office, National Seeds Corporation Ltd., 108/10, Nadakatti Buildings, Soundathi Road, Dharwar-580001.
16. Area Office, National Seeds Corporation Ltd., Doddamandiganahilli, Kandali Post, Hassan - 573217.
17. Area Office, National Seeds Corporation Ltd., Village & Post-DeviHouser, Haveri-581110.
18. Area Office, National Seeds Corporation Ltd., 159, A-Block, APMC Complex, Bandipalya, Mysore - 570025.
19. Area Office, National Seeds Corporation Ltd., Ganj Road, Raichur-584102.
20. Area Office, National Seeds Corporation Ltd., 32/1 068, Shyam Nagar, Indira Chowk, Raipur-492006, Chhattisgarh.
21. Area Office, National Seeds Corporation Ltd., Charring Cross, Ootacamund-643001.
22. Area Office, National Seeds Corporation Ltd., Behind ITI Kanjicode West (P.O.) Palakkad-678623, Kerala.
23. Area Office, National Seeds Corporation Ltd., 21/75, Jayasree Buildings Killipalam Road, Karamana, Thiruvananthapuram, 695002.
24. Regional Office & Quality Control Laboratory, National Seeds Corporation Ltd., 17-11, Tukaram Gate, North Lalaguda, Secunderabad - 500017.
25. Area Office, National Seeds Corporation Ltd., Autonagar Post, Guntur-522001.
26. Area Office, National Seeds Corporation Ltd., 3&4, Industrial Estate, Kurnool-518003.
27. Area Office, National Seeds Corporation Ltd., Koilkuntala Road, Noonepally, Nandyal-518503, Distt. Kurnool.
28. Area Office, National Seeds Corporation Ltd., 2-11, Modikonda, Hanamkonda Mandal, Warangal-506142.

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 18th April, 2011

S.O. 3511.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Person Weighing Machine) with digital indication of medium Accuracy (Accuracy Class-III) of Series and brand name "SAMSON Weighing Devices" (hereinafter referred to as the said Model), manufactured by M/s. Modern Business Equipments & Services Pvt. Ltd., Plot No. 92, EPIP, Phase-1, Jharmajri, Baddi HP and which is assigned the approval mark IND/09/10/75;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The LCD display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

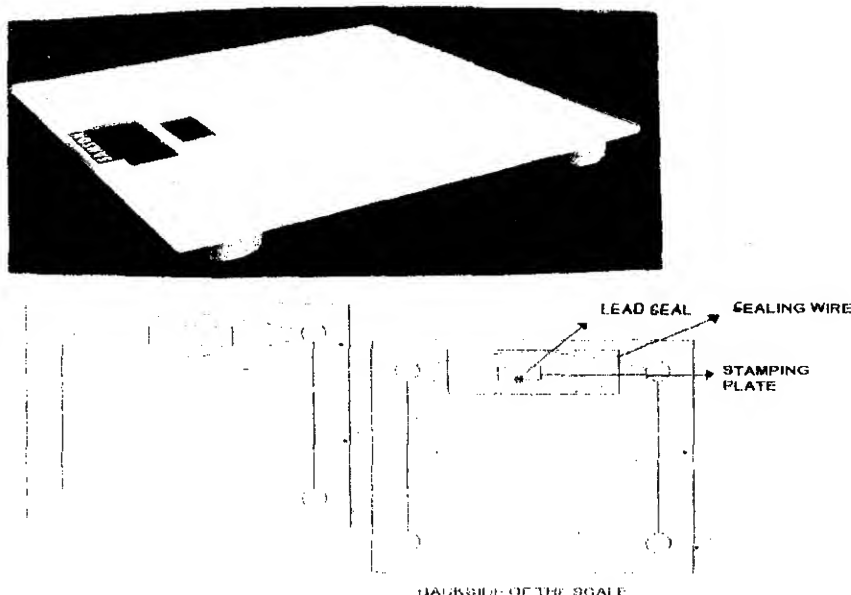


Figure-2—Sealing provision of the indicator of model.

The scale is being sealed by the sealing wire and stud from the upper and lower mounting corner. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 150 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21 (73)/2010]

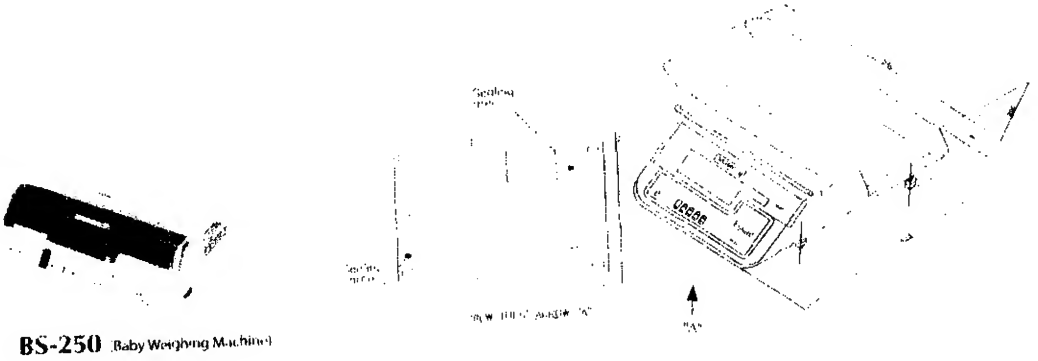
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 5 मई, 2011

का.आ. 3512.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एस्से-टेरोका लिमिटेड नं. 377/22, छठा क्रॉस, विलसन गार्डन, बेगलूर-560027 विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले “बीएस-250” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (बेबी तोलन स्केल) के मॉडल का, जिसके ब्रांड का नाम “एस्से” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/497 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (बेबी तोलन स्केल) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा.। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन)सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(289)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 3512.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Baby Weighing Scale) with digital indication of Ordinary Accuracy (Accuracy Class-III) of Series "BS-250" and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/10/497 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Baby Weighing Scale) with a maximum capacity of 20 kg. and minimum capacity of 200g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

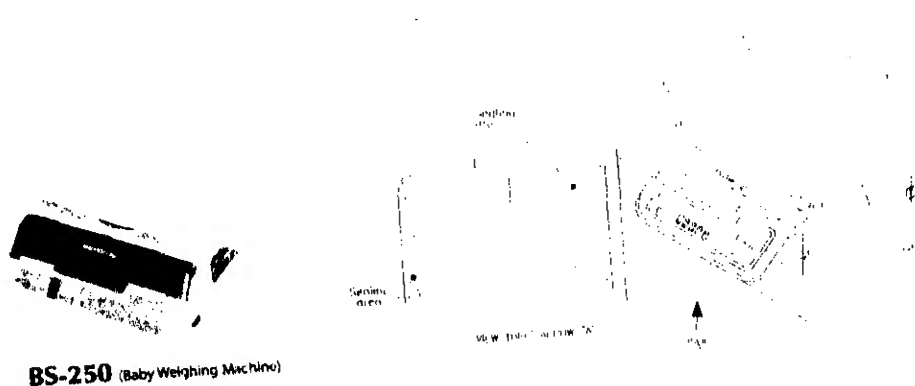


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5g. more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21 (289)/2010]

B. N. DIXIT, Director of Legal Metrology

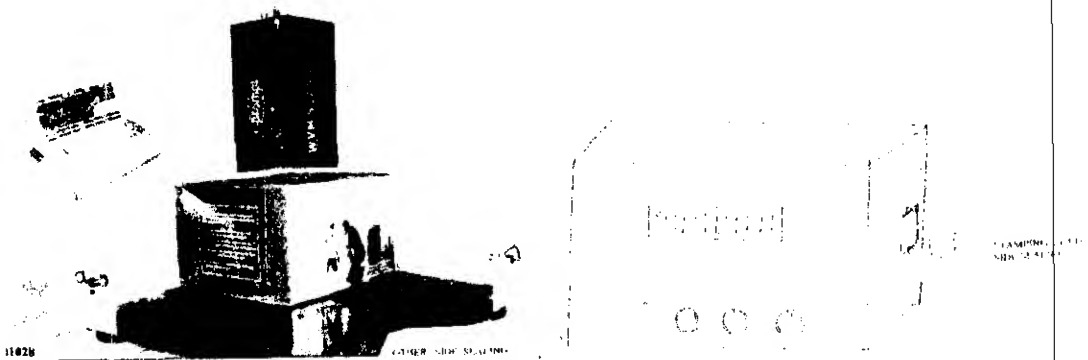
नई दिल्ली, 5 मई, 2011

का.आ. 3513.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ऑरबीटॉन इंटरप्राइज, ई-120, इलैक्ट्रॉनिक जोन, सेक्टर 26, गांधीनगर, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यूवीएम” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “प्रोम्प्ट” (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/15 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{क}}$, $2 \times 10^{\text{क}}$ या $5 \times 10^{\text{क}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(340)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 3513.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class-III) of Series "WVM" and with brand name "PROMPT" (hereinafter referred to as the said model), manufactured by M/s. Orbitron Enterprise, E-120, Electronic Zone, Sector 26, Gandhinagar, Gujarat and which is assigned the approval mark IND/09/11/15;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

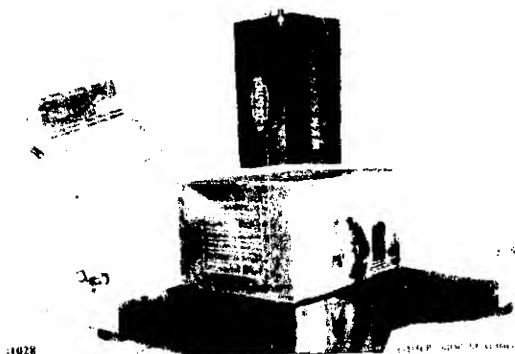


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21 (340) 2010]

B. N. DIXIT, Director of Legal Metrology

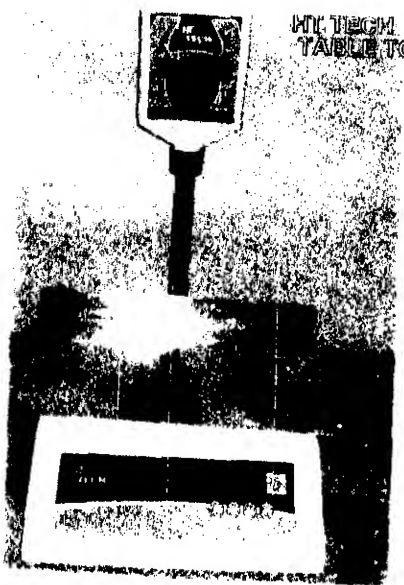
नई दिल्ली, 5 मई, 2011

का.आ. 3514.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हाई-टैक स्केल वर्क्स, बिगराहपुर रोड के पास (रघुनाथ मार्केट), न्यू बस स्टैंड, पटना-1 (बिहार) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एचटीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एचटी-टैक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/19 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



India Top scale (One side of the scale)

Seal with lead

Weighing pan

Seal with lead

Weighing plate

Seal with lead

Seal with lead

आकृति -2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 और 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(372)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 3514.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of Series "HTT" and with brand name "HT-TECH" (hereinafter referred to as the said model), manufactured by M/s. Hi-Tech Scale Works, Near Bigrahpur Road (Raghunath Market), New Bus Stand, Patna-1 (Bihar) and which is assigned the approval mark IND/09/11/19;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

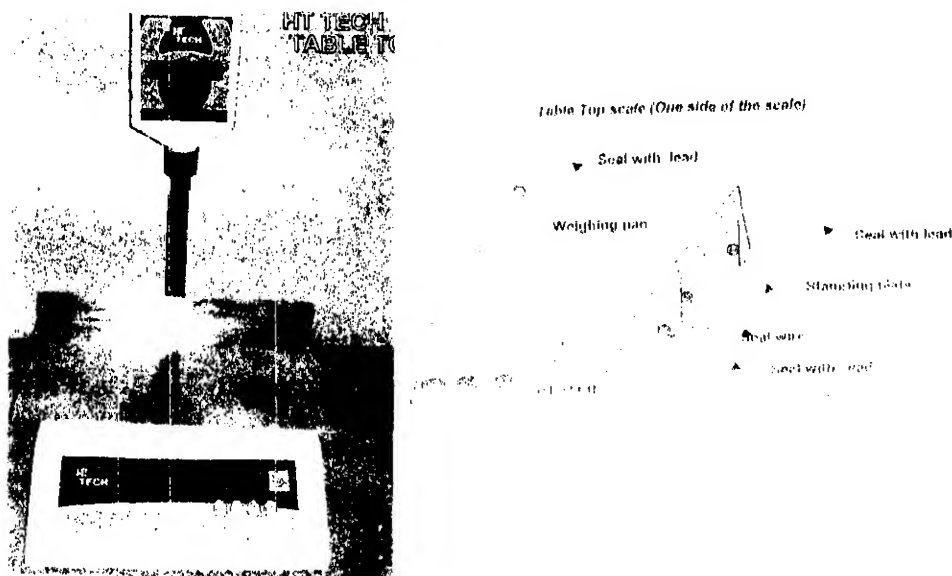


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21(372)/2010]

B. N. DIXIT, Director of Legal Metrology

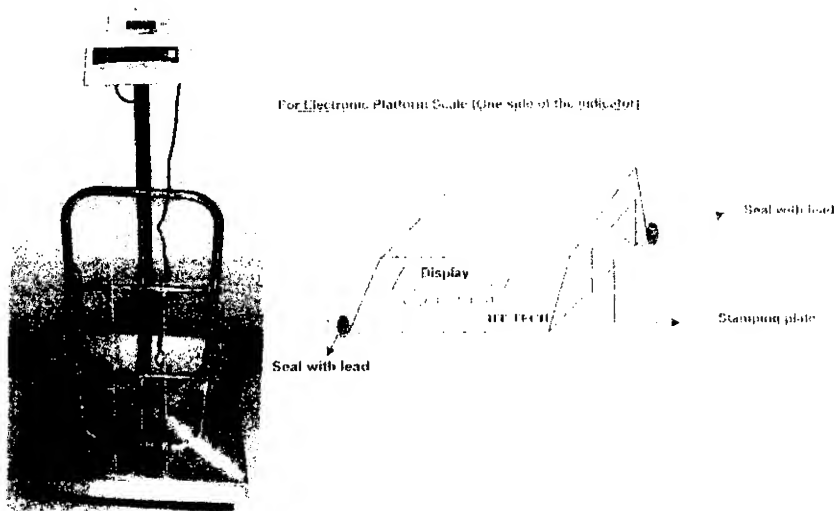
नई दिल्ली, 5 मई, 2011

का.आ. 3515.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हाई-टैक स्केल वर्क्स, बिगराहपुर रोड के पास (रघुनाथ मार्किट), न्यू बस स्टैंड, पटना-1 (बिहार) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एच पी एफ ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एचटी-टैक” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/20 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बांडी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(372)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 3515.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class -III) of Series "HPF" and with brand name "HT-TECH" (hereinafter referred to as the said model), manufactured by M/s. Hi-Tech Scale Works, Near Bighapur Road (Raghunath Market), New Bus Stand, Patna-1 (Bihar) and which is assigned the approval mark IND/09/11/20;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

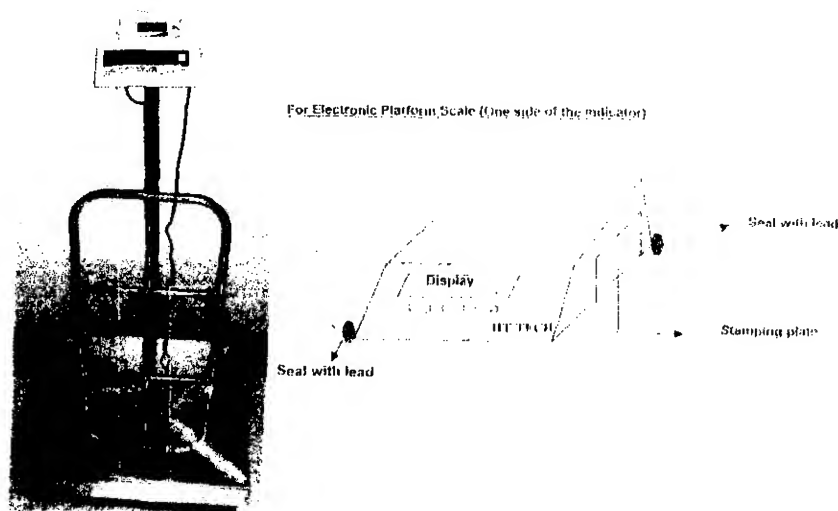


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5,000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21(372)/2010]

B. N. DIXIT, Director of Legal Metrology

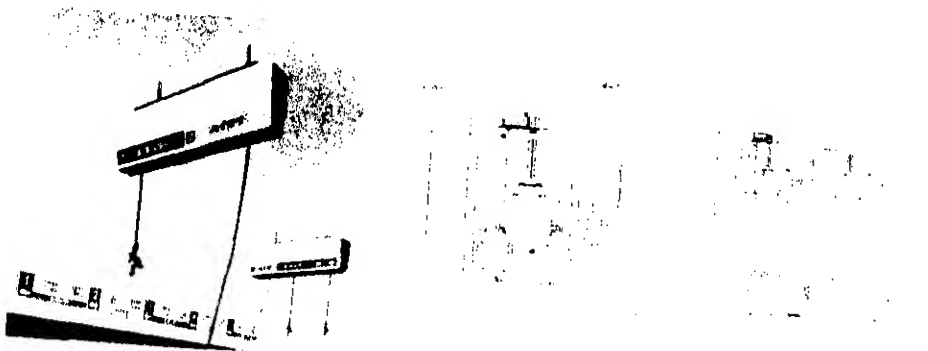
नई दिल्ली, 9 सितम्बर, 2011

का.आ. 3516.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3), उप-धारा (7) और उप-धारा (8) के तीसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तत्सुनो कोरपोरेशन, 200, लिजिमा-चो, साकाइकु, योकोहामा, 244-8501 जापान द्वारा विनिर्मित और मैसर्स तत्सुनो इंडिया प्रा. लि., 404, रनवाल स्कवेयर, ईस्टर्न एक्सप्रेस हाइवे, चुन्नाभट्टी सिगनल, सिआँन (ईस्ट) मुंबई-400022 द्वारा भारत में विपणित यथार्थता वर्ग 0.5 वाले "एसएनएस/स्पेस-फिल सिस्टम" शृंखला के पानी के अलावा अन्य द्रव्यों हेतु मीटर (फ्यूल डिस्पेंसर) अंकक सूचन सहित जिसके ब्राण्ड का नाम "तत्सुनो" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) के मॉडल और जिसे अनुमोदन चिह्न आई एन डी/09/10/608 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल पानी के अलावा अन्य द्रव्यों हेतु मीटर (फ्यूल डिस्पेंसर) है जो पोजीटिव डिस्पलेसमेंट मीटर के सिद्धांत पर कार्य करता है। इसकी अधिकतम फ्लो दर 60 लीटर प्रति मिनट और न्यूनतम फ्लो दर 03 लीटर प्रति मिनट है। इसमें मूल्य रूप में 4 अंकों का सूचन, 6 अंक वॉल्यूम सूचन में, अधिकतम देय मूल्य के लिए 6 अंक, मैकेनिकल टोटलाइजर के लिए 7 अंक और इलेक्ट्रॉनिक टोटलाइजर के लिए 10 अंक हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज सिंगल फेस और 415 वोल्ट, 50 हर्ट्ज 3 फेज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इस में बहुप्रकार के ईंधन जैसे कि गैसोलिन, डीजल ऑयल इत्यादि के वितरण करने की क्षमता है। न्यूनतम माप मात्रा 5 लीटर है।

आकृति-1



आकृति -2 : सीलिंग प्रावधान।

स्टाम्पिंग प्लेट की सीलिंग के अतिरिक्त, नट एंड बोल्ट में से सीलिंग घायर निकाल कर एसेम्बलिंग प्लग से सील किया जाता है। लीड सील तोड़ बिना केलिब्रेशन व्हील और इलेक्ट्रॉनिक केलिब्रेशन स्विच अभिगमन नहीं कर सकता। मॉडल में मैकेनिकल टोटलाइजर/इलेक्ट्रॉनिक टोटलाइजर है। स्वचलन उद्देश्य के लिए आर एस 485 पोर्ट उपलब्ध है।

[फा. सं. डब्ल्यू एम 21(257)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th September, 2011

S.O. 3516.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 ((60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3), sub-sections(7) and (8) of Section 36 of the said Act, the Central Government thereby approves, issues and publishes the certificate of approval of model of Measuring Systems for Liquids Other Than Water with digital indication of accuracy class 0.5 (hereinafter referred to as said model) of series - 'SNS/Space-Fill System' with brand name "TATSUNO". Manufactured and sold by M/s. TATSUNO Corporation, 200, Iijima-cho, Sakaeku, Yokohama, 244-8501, Japan and sold in India without any alteration before or after sale by M/s. Tatsuno India Pvt Ltd., 404, Runwal Esquare, Eastern Express Highway, Sion-Chunabhatti, Signal, Sion (E), Mumbai-400022 and which is assigned the approval mark IND/09/10/608;

The said model is a Meter for Liquid other than Water (Fuel Dispenser) working on the principle of positive displacement meter. Its maximum flow rate is 60 lpm and minimum flow rate is 03 litre/minute. It has indication of maximum of 6 digits for amount, 6 digits for volume indication for 4 digits for unit price and mechanical totalizer up to 7 digits and electronic totalizer up to 10 digits. It operates on 230V, 50 Hertz single phase and 415 volts, 50 hertz 3 phase alternate current power supply. It is capable of dispensing multiple variety of fuel that is Gasoline, diesel oil etc.

The minimum measured quantity is 5 Litre.

Figure-1 Model

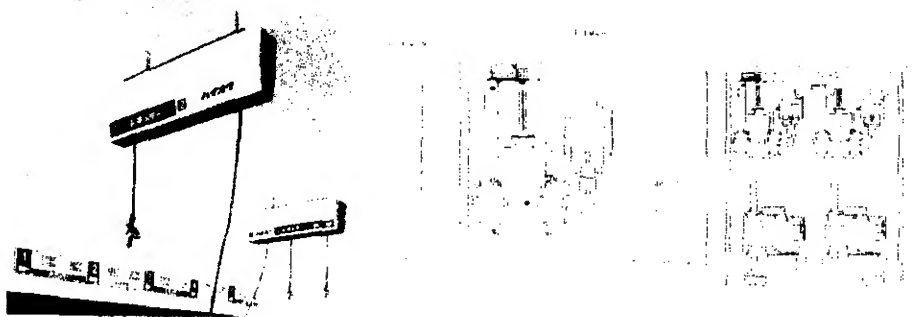


Figure-2 : Sealing arrangement.

The sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel and electronic calibration switches, if/wherever applicable, cannot be accessed without breaking the lead seal. The said model has mechanical totalizer/electronic totalizer, There is RS485 port available for automation purpose.

[F.No.WM-21(257)/2010]

B. N. DIXIT, Director of Legal Metrology

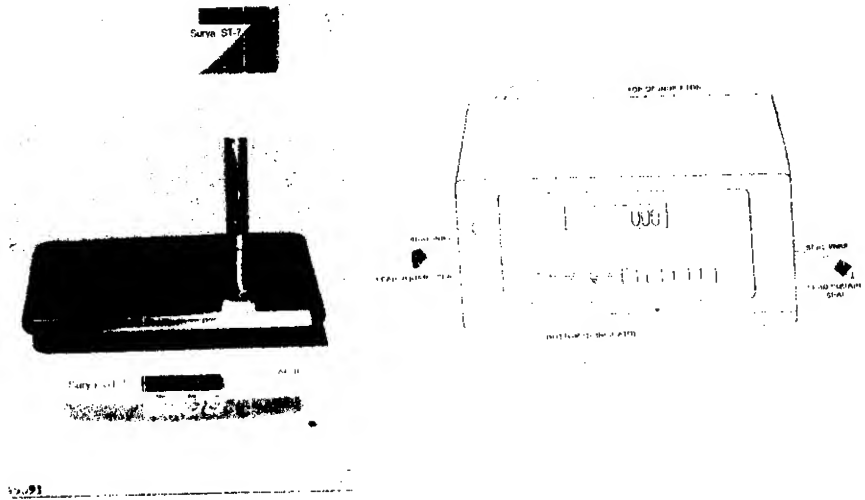
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3517.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भारत सेल्स एंड सर्विसिज, यूनिट नं. 3, सखाला आर्कड, नासिक पुणे रोड, नासिक-420006 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी टी-7" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "सूर्या" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/268 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाडी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(156)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3517.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "BT-7" and with brand name "SURYA" (hereinafter referred to as the said model), manufactured by M/s. Bharat Sales & Services, Unit No. 3, Sakhala Arcade, Nashik Pune Road, Nashik-420006 and which is assigned the approval mark IND/09/10/268;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

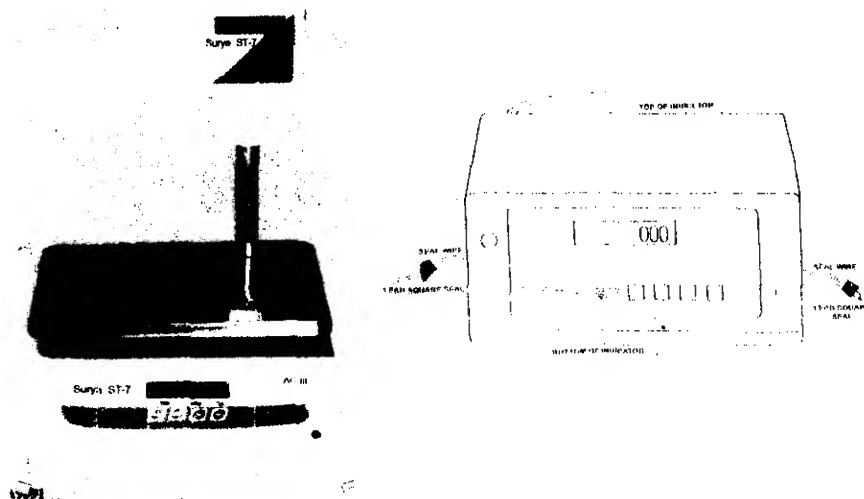


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the Model is given above.

A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2g. and with verification scale interval (n) in the range of 5,000 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(156)/2010]

B. N. DIXIT, Director of Legal Metrology

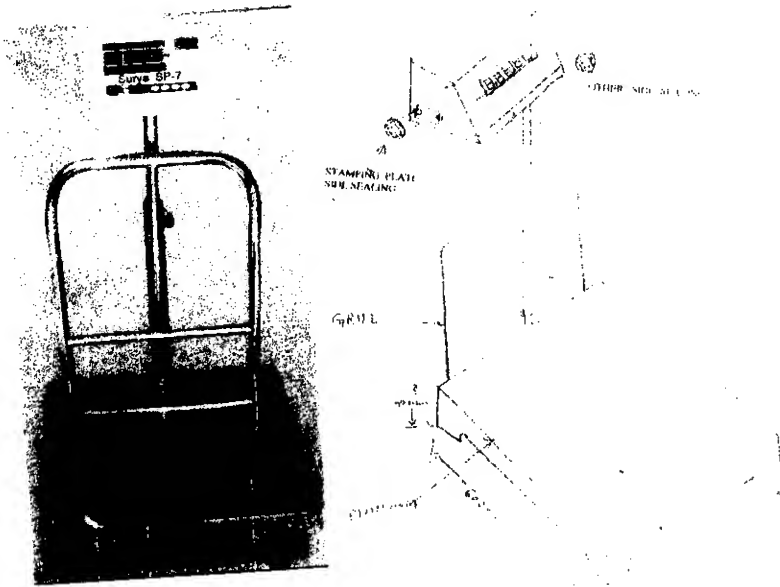
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3518.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भारत सेल्स एंड सर्विसिज, यूनिट नं. 3, सखाला आर्कड, नासिक पुणे रोड, नासिक-420006 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी टी पी-7" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "सूर्या" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/269 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति -2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाडी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(156)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3518:—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class -III) of Series "BTP-7" and with brand name "SURYA" (hereinafter referred to as the said model), manufactured by M/s. Bharat Sales & Services, Unit No. 3, Sakhal Arcade, Nashik Pune Road, Nashik-420006 and which is assigned the approval mark IND/09/10/269;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

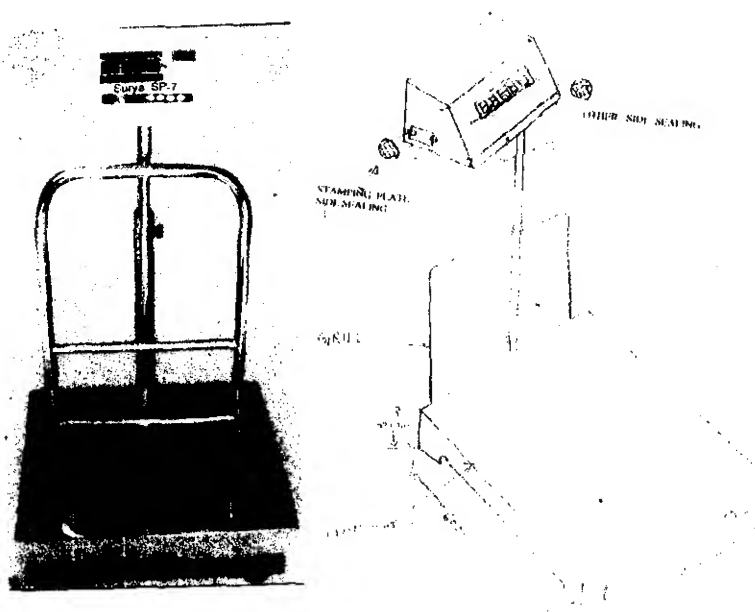


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

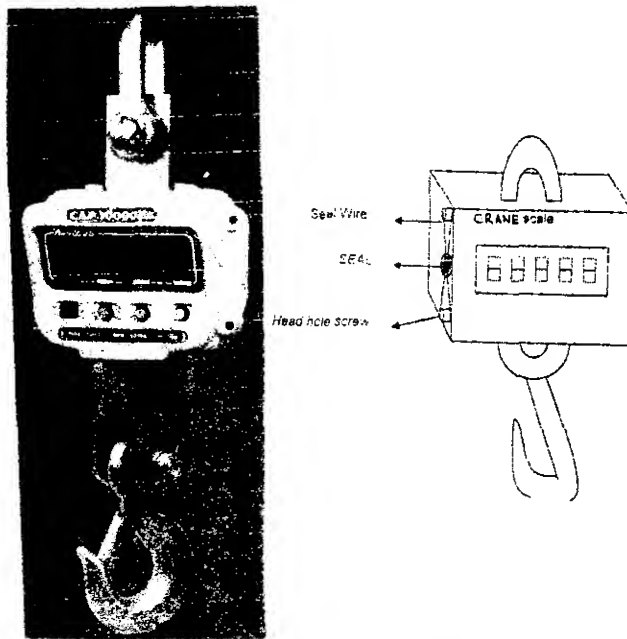
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3519.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिसिजन इलेक्ट्रॉनिक इंस्ट्रूमेंट्स कं., एच-45, उद्योग नगर, पीरागढी, नई दिल्ली-110041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जीटीसीआरएल" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रैन टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्डटैक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/102 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रैन टाइप) है। इसकी अधिकतम क्षमता 10,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति -2 : मॉडल के इंडीकेटर का सीलिंग प्रावधान।

बायीं तरफ दिए गए दो हैड होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 30 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(88)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3519.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of medium accuracy (Accuracy class -III) of series "GTCRL" and with brand name "GOLDTECH" (hereinafter referred to as the said model), manufactured by M/s. Precision Electronic Instruments Co., H-45, Udyog Nagar, Peeragarhi, New Delhi-110041 and which is assigned the approval mark IND/09/10/102;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 10,000 kg. and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

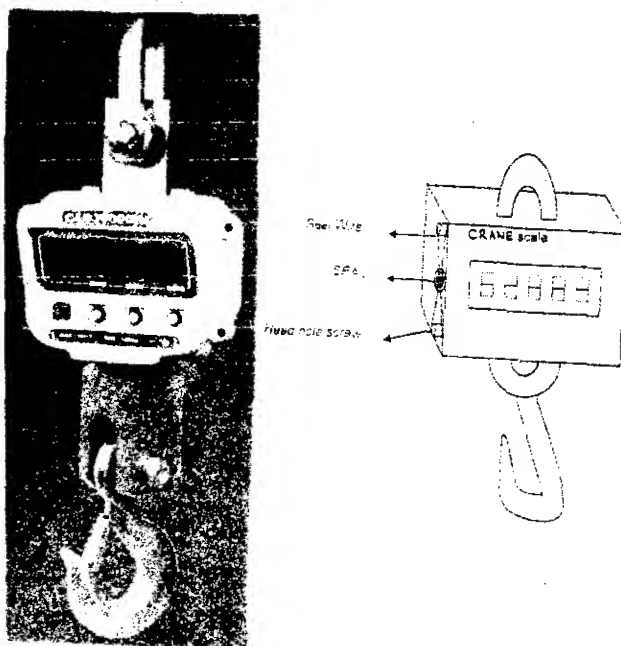


Figure-2 : Sealing provision of indicator of the model.

Sealing is done by passing the sealing wire through the two head holes in the left side. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity range from 50kg and up to 30 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(88)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3520.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मल्टी वे आटोमेशन प्रा. लि., सी-177 एवं सी-73, आकुर्ली इंडस्ट्रियल इस्टेट, अकुर्ली रोड, कांडविली (ई) मुंबई-400001 द्वारा विनिर्मित यथार्थता वर्ग, रेफ X(1) वाले "एम डब्ल्यू एस-2001 ई" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "मल्टी वे" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/195 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

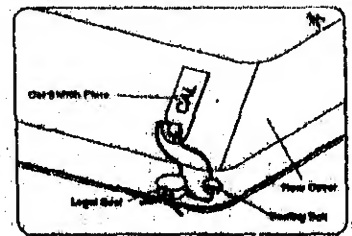
उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. सहित बेइंग बारंबारता 4 फिल्स प्रति मिनट है। मापमान अन्तराल 'डी' 10 ग्रा. है। मशीन को फ्री मैटेरियल भरने के लिए डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



Legal seal installed

* Install the seal on the wire loop as shown in below figure.



आकृति -2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्कैल की बॉडी में दिए गए होल्स से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा. से 1000 कि.ग्रा. के बीच होंगे।

[फा. सं. डब्ल्यू एम-21(128)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3520.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, it is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class, X(1) of Series "MWS-2001E" and with brand name "Multi Way" (hereinafter referred to as the said model), manufactured by M/s. Multi Way Authomation Pvt. Ltd., C-177, and C-73, Akurli Industrial Estate, Akurli Road, Kandivli(E) Mumbai-400001 and which is assigned the approval mark IND/09/10/195;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument. It has a maximum capacity of 100 kg. and minimum capacity of 10kg with frequency of weighing 4 fills per minute. The scale interval 'd' is 10g. The machine is designed for filling the free materials. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

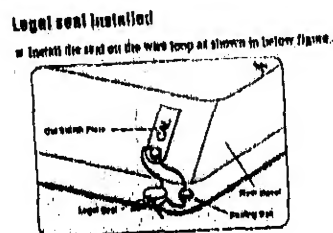


Figure-2 : Schematic diagram of the sealing provision of the model.

Sealing is done by passing the sealing wire from the body through holes. A typical schematic diagram of sealing provision of the Model is given above.

A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity from 1kg to 1000kg manufactured by the same manufacturer in accordance with the same principle, design and materials with which the said approved Model has been manufactured.

[F.No.WM-21(128)/2010]

B. N. DIXIT, Director of Legal Metrology

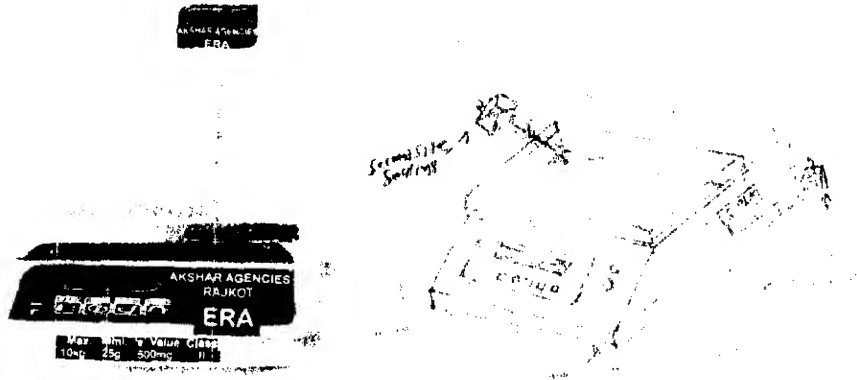
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3521.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अक्षर एजेंसिज, शॉप नं. 314, लोटस आरकेड, बजाज आटोमोटिव शोरूम के सामने, गोंडल रोड, राजकोट (गुजरात) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए-टी II" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "ईआरए" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/139 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 25 ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति -2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बांडी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और टॉप कवर के छेद से सील को जोड़ा गया है। तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(104)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3521.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series "AA-TII" and with brand name "ERA" (hereinafter referred to as the said model), manufactured by M/s. Akshar Agencies, Shop No. 314, Lotus Arcade, Opp. Bajaj Automotive Showroom, Gondal Road, Rajkot (Gujarat) and which is assigned the approval mark IND/09/10/139;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10 kg. and minimum capacity of 25g. The verification scale interval (e) is 500mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Model-1

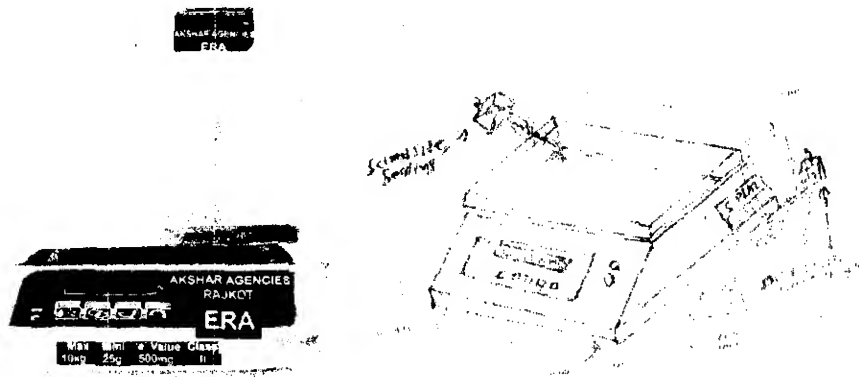


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(104)/2010]

B. N. DIXIT, Director of Legal Metrology

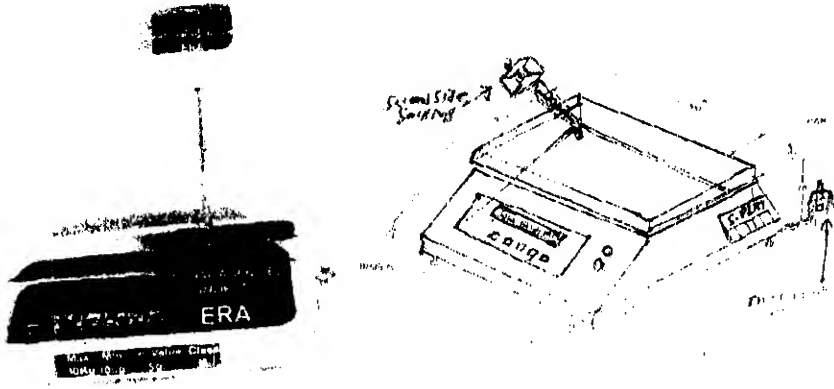
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3522.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अक्षर एजेंसिज, शॉप नं. 314, लोटस आरकेड, बजाज आटोमोटिव शोरूम के सामने, गोंडल रोड, राजकोट (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एए-टी III" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "ईआरए" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/140 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदिष्ट करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है। तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबन्ध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(104)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3522.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication belonging to Medium Accuracy (Accuracy class -III) of Series "AA-TIII" and with brand name "ERA" (hereinafter referred to as the said Model), manufactured by M/s. Akshar Agencies, Shop No. 314, Lotus Arced, Opp. Bajaj Automotive Showroom, Gondal Road, Rajkot (Gujarat) and which is assigned the approval mark IND/09/10/140;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model.

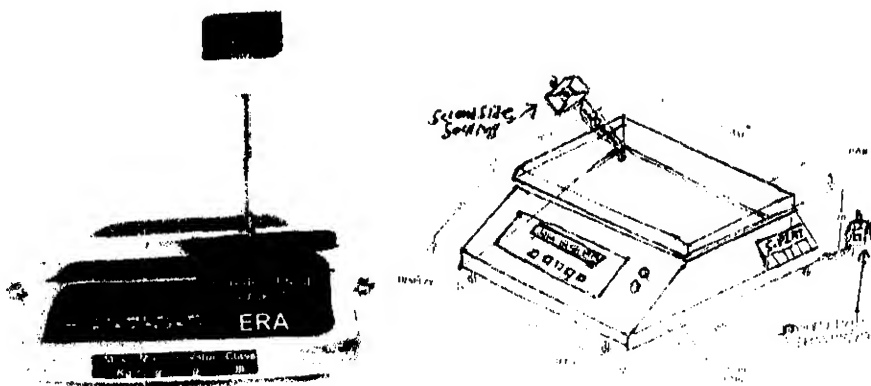


Figure-2 Schematic Diagram of Sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy, performance and of the same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the said approved Model has been manufactured.

[F.No.WM-21(104)/2010]

B. N. DIXIT, Director of Legal Metrology

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3523.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of series "AA-P III" and with brand name "ERA" (hereinafter referred to as the said Model), manufactured by M/s. Akshar Agencies, Shop No. 314, Lotus Arced, Opp. Bajaj Automotive Showroom, Gondal Road, Rajkot (Gujrat) which is assigned the approval mark IND/09/10/141;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

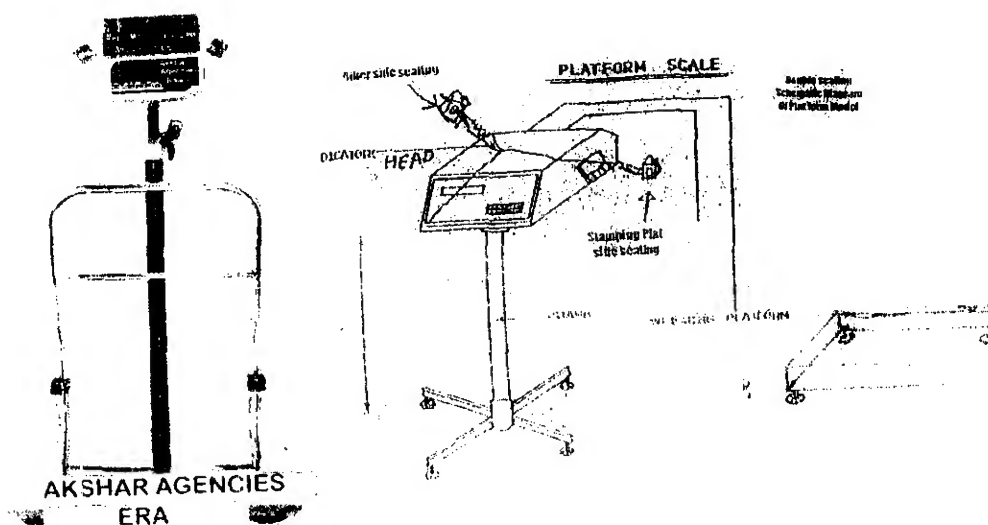


Figure-2 Schematic diagram of Sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(104)/2010]

B. N. DIXIT, Director of Legal Metrology

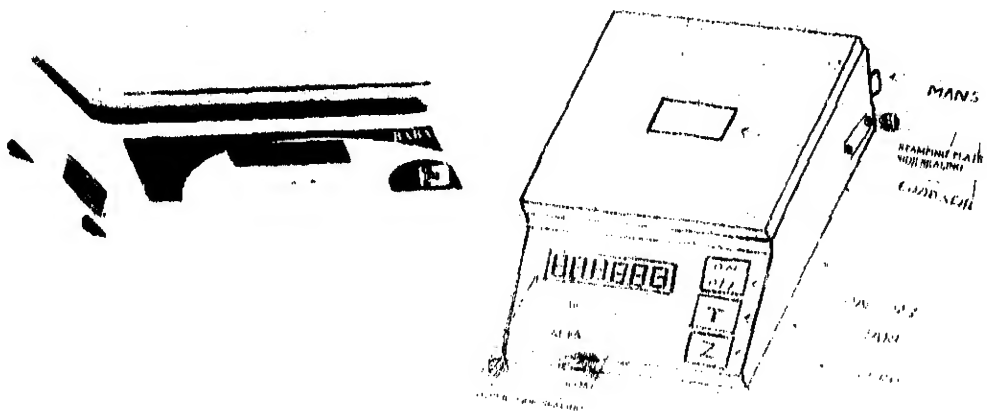
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3524.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सालासर इंडस्ट्रीज, 12-ए, शिव विहार कालोनी, वी.के. आई. रोड के सामने, सिकर रोड, जयपुर (राजस्थान) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "बीएटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "बाबा" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/179 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1—मॉडल



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाडी में दिए गए छेदों में से सीलिंग वायर निकालकर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुँच है। बाहरी केलिब्रेशन तक पहुँच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(120)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3524.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series "BAT" and with brand name "BABA" (hereinafter referred to as the said Model), manufactured by M/s. Salasar Industries, 12-A, Shiv Vihar Colony, Opposite V.K.I. Road, Siker Road, Jaipur (Rajasthan) which is assigned the approval mark IND/09/10/179;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

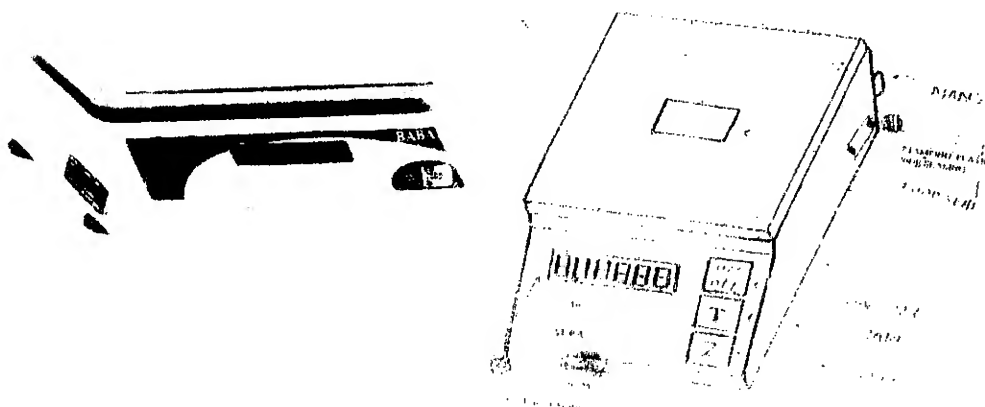


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg and with number or verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21(120) 2010]

B. N. DIXIT, Director of Legal Metrology

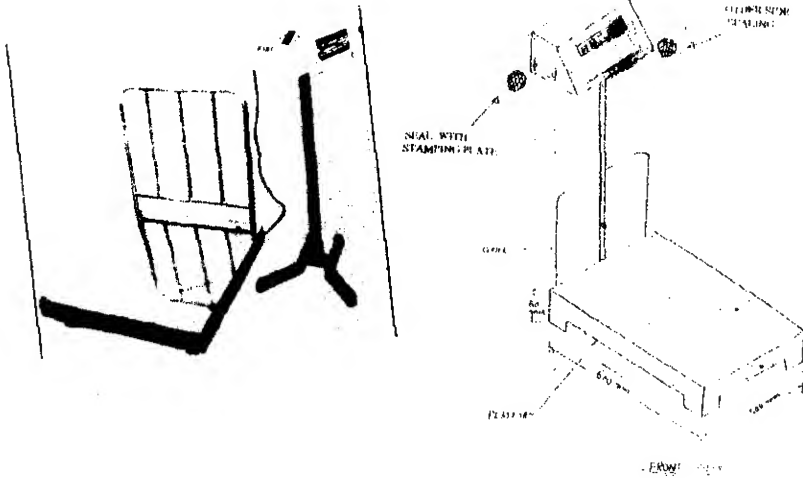
नई दिल्ली, 12 सितम्बर, 2011

का.आ. 3525.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सालासर इंडस्ट्रीज, 12-ए, शिव विहार कालोनी, बी. के. आई. रोड के सामने, सिकर रोड, जयपुर (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “बीएपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “बाबा” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/180 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफॉर्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1—मॉडल



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाड़ी में दिए गए छेदों में से सीलिंग वायर निकालकर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(120)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O. 3525.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "BAP" and with brand name "BABA" (hereinafter referred to as the said Model), manufactured by M/s. Salasar Industries, 12-A, Shiv Vihar Colony, Opposite V. K. I. Road, Siker Road, Jaipur (Rajasthan) which is assigned the approval mark IND/09/10/180;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

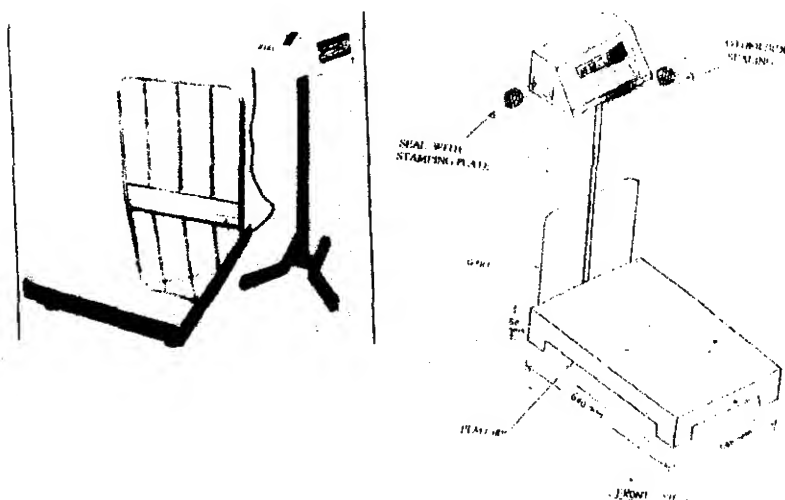


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above,

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21(120)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3526.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा सं. भाग	अनु वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	
1.	9877217	25-07-2011	माडर्न ट्रेडिंग इण्डस्ट्रीज, 483/8ए शाम नगर, बस स्टैंड के पीछे, पी आर टी सी वर्कशॉप के पास, लुधियाना (पंजाब)	हस्त चालित पीठ पर लादा जाने वाले संपीडक फुहार, पिस्टन टाइप	3906	1995
2.	9877722	12-07-2011	वन्दना इण्डस्ट्रीज 248, गोदाईपुर, जालन्धर (पंजाब)	धातुवर्ध्न ढलवे लोहे की पाईप फिटिंग	1879	2010
3.	9878320	14-07-2011	कोरोमण्डल इन्टरनैशनल लिमिटेड, लेन नं. 4, फेज 1, सिडको इण्डस्ट्रीयल कॉम्प्लेक्स, बरी ब्राहणा, जम्मू एवं काश्मीर	परोफेनोफॉस + साइपरमैथरिन ई सी	15236	2002
4.	9879120	12-08-2011	अमृत बेवरेजीस, गाँव शाहबाद, पी ओ उमरपुरा, तहसील बटाला, गुरदासपुर बटाला- 143505 (पंजाब)	पैकेजबन्द पेय जल	14543	2004
5.	9881410	19-08-2011	वल्लभ मेटल इण्डस्ट्रीज, मुल्लाबन्धा रोड, गाँव झुंडा, तहसील मलेरकोटला, संगरूर (पंजाब)	घरेलू प्रेशर कुकर	2347	2006
5.	9881915	19-08-2011	मैगीकूक अप्लाईसिज कम्पनी, रेलवे रोड, कपूरथला, (पंजाब)	घरेलू प्रेशर कुकर	2347	2006
7.	9883818	30-08-20011	सुप्रीम फीड मिल्स, रंजीत पुरा, गोल गुजराल कैम्प, जम्मू (जे एंड के)	पशु के लिए मिश्रित आहार	2052	1979
8.	9885519	6-09-2011	न्यू विशकर्मा एग्री वर्क्स, डिफेंस रोड, दानेवाल, मलोट, मुक्तसर (पंजाब)	पावर थैशर-सुरक्षा हेतु	9020	2002
9.	9885923	16-09-2011	इडन स्टील अल्लोयस, अम्बे माजरा रोड, मुल्लापुर कलाँ, पी ओ मण्डी गोबिन्दगढ़, फतेहगढ़ साहिब (पंजाब)	कार्बन इस्पात के बिलेट	2830	1992

(1)	(2)	(3)	(4)	(5)	(6)
10.	9889426	27-09-2011	द आरको पाईप्स ग्राम उद्योग (रजिस्टर्ड) गाँव धाढ़ा (फलाई ओवर के पास) पुरानी होशियारपुर रोड, जालन्धर (पंजाब)	अपकेन्द्री कास्ट (स्पन) डक्टाईल आयरन प्रेशर पाईप्स	8329 2000
11.	9889628	7-10-2011	राधा स्टील रोलिंग मिल्स, जी टी रोड, सरहिन्द साईड, मण्डी गोबिन्दगढ़, फतेहगढ़ साहिब, मण्डी गोबिन्दगढ़ (पंजाब)	कार्बन इस्पात के बिलेट	1786 2008
12.	9892314	18-10-2011	बोहरा एग्रीफिल्म्स प्रा. लिमिटेड, फेज 2, लेन नं. 5, सिडको काम्पलैक्स, जम्मू (जे एंड के)	अल्प घनत्व पॉलीथीन फिल्म	2508 1984
13.	9893215	25-10-2011	एस आर बेवरेजीस, गाँव च डाकघर पवा, तहसील लुधियाना, लुधियाना (पंजाब)	पैकेजबन्द पेय जल	14543 2004

[सं. सी. एम. डी. 13:11]

पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

(Bureau of Indian Standards)

New Delhi, the 25th November, 2011

S.O. 3526.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No./ Part/Sec./Year	
(1)	(2)	(3)	(4)	(5)	(6)	
1.	9877217	25-07-2011	M/s Modern Trading & Industries, 483/8A Sham Nagar Back side Bus Stand, Near PRTC Workshop, Distt : Ludhiana, Punjab	Crop Protection Equipment-Hand- operated Knapsack Sprayer, Piston Type	3906	1995
2.	9877722	12-07-2011	M/s Vandana Industries, 248 Godaipur, Distt : Jalandhar Punjab	Malleable cast iron pipe fittings	1879	2010
3.	9878320	14-07-2011	M/s Coromandel International Ltd. Lane No. 4, Phase-1, SIDCO Industrial Complex, Bari Brahmana, Jammu Distt : Jammu and Kashmir	Profenofos+ Cypermethrin E. C.	15236	2002

(1)	(2)	(3)	(4)	(5)	(6)	
4.	9879120	12-08-2011	M/s Amrit Beverages, Village Sahabad, P. O. Umarpura, Teh Batala, Gurdaspur, Batala Punjab, 143505	Packaged Drinking Water	14543	2004
5.	9881410	19-08-2011	M/s Vallabh Metal Industries, Mullabadha Road, Village Jhundana, Tehsil Malerkotla, Distt. : Sangrur Punjab	Domestic Pressure Cooker	2347	2006
6.	9881915	19-08-2011	M/s Magicook Appliances Company Railway Road, Distt. : Kapurthala Punjab	Domestic Pressure Cooker	2347	2006
7.	9883818	30-08-2011	M/s Supreme Feed Mills Ranjeet Pura Gole Gujral Camp, Distt. : Jammu J. K.,	Compounded Feeds for Cattle	2052	1979
8.	9885519	06-09-2011	M/s New Vishvkarma Agri Works Defence road Danewala Malaut, Distt. : Muktsar	Power Threshers- Safety Requirements	9020	2002
9.	9885923	16-09-2011	M/s Eden Steel Alloys, Ambey Majra Road, Mullanpur Kalan, P. O. Mandi Gobindgarh, Mandi Gobindgarh, Distt. : Fatehgarh Sahib, Punjab	Carbon steel cast billet	2830	1992
10.	9889426	27-09-2011	M/s The Aarko Pipes Gram Udyog (Regd.), Village Dhadha (Near Fly Over) Old Hoshiarpur Road, Distt. : Jalandhar Punjab 14004	Centrifugally Cast (Spun) Ductile Iron Pressure Pipes	8329	2000
11.	9889628	07-10-2011	M/s Radha Steel Rolling Mills G. T. Road, Sirhind Side, Mandigobindgarh, Mandi Gobindgarh, Distt. : Fatehgarh Sahib Punjab, 147301	High Strength Deformed steel bars	1786	2008

(1)	(2)	(3)	(4)	(5)	(6)	
12.	9892314	18-10-2011	M/s Bohra Agrifilms Pvt. Ltd. Phase II Lane No. 5 Sidco Complex, Distt. : Jammu, J. K.,	Low Density Polyethylene Films	2508	1984
13.	9893215	25-10-2011	M/s S. R. Beverages V & P. O. Pawa, Tehsil Ludhiana, Distt. : Ludhiana Punjab,	Packaged Drinking Water	14543	2004

[No.CMD/13:11]

P. K. MUKHOPADHYAY, Scientist F & Head (MDCH)

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3527.—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन 1988 के विनियमन 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिए गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	9165279	मैंगी ब्रदर्स, सैन्ट्रल बैंक ऑफ इंडिया के सामने, इण्डस्ट्रीयल डवलपमेंट कालोनी, जालन्धर	धातवर्ध्म ढलवें लोहे की पाईप फिटिंग	17-08-2011
2.	9616084	करन एजेंसी, मोहाली	पैकेजबंद पेयजल	19-08-2011
3.	9418585	बोन फूड इण्डस्ट्रीज, 217ए-1 हीरा, चण्डीगढ़ रोड, लुधियाना	बिस्कुट	11-10-2011

[सं. सी एम डी 13 : 13]

पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 25th November, 2011

S.O. 3527.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	9165279	M/s Maingi Brothers Opp. Central Bank of India, Industrial Development Colony, Distt. : Jalandhar, Punjab	Malleable cast iron pipe fittings	17-08-2011

(1)	(2)	(3)	(4)	(5)
2.	9616084	M/s Karan Agencies Distt : S A S Nagar (Mohali) Punjab,	Packaged Drinking water	19-08-2011
3.	9418585	M/s Bonn Food Industries, 217-A-I, Hiran, Chandigarh Road, Distt. : Ludhiana Punjab.	Biscuits	11-10-2011

[No.CMD/13:13]

P. K. MUKHOPADHYAY, Scientist 'F' & Head (MDCH)

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3528.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिस भारतीय मानकों का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गये हैं :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईसी 61241-2-1 : 1994 दहनशील धूल की उपस्थिति में प्रयोग होन वाले विद्युत के उपस्कर : भाग 2 परीक्षण पद्धतियां अनुभाग 1 धूल का न्यूनतम प्रज्वलन तापमान ज्ञात करने की पद्धतियां	आईएस 12315 (भाग 1) : 1988	30 नवम्बर, 2011
2.	आई एस/आईसी 61241-4 : 2001 दहनशील धूल की उपस्थिति में प्रयोग होन वाले विद्युत के उपस्कर : भाग 4 "pD" सुरक्षा टाईप	—	30 नवम्बर, 2011
3.	आई एस/आईसी 60079-6 : 2007 विस्फोटो पर्यावरण भाग 6 तेल निमज्जन "o" द्वारा उपकरण संरक्षण	आईएस 7693 : 2004	30 नवम्बर, 2011

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली - 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : ईटी 22/टी-70, टी-72, टी-80]

आर. के. त्रहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 28th November, 2011

S. O. 3528.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. & Year & of the Indian Standards	No. & Year of the Indian Standards. if any Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/IEC 61241-2-1 : 1994 Electrical Apparatus for Use in the Presence of Combustible Dust : Part 2 Test Methods Section 1 Methods for Determining the Minimum Ignition Temperatures	IS 12315 (Part 2) : 1988	30 November, 2011
2.	IS/IEC 61241-4 : 2001 Electrical Apparatus for Use in the Presence of Combustible Dust-Part 4 Type of Protection "pD"	—	30 November, 2011
3.	IS/IEC 60079-6 : 2007 Explosive Atmospheres : Part 6 Equipment Protection by Oil Immersion "o"	IS 7693 : 2004	30 November, 2011

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 22/T-70, T-72, T-80]

R. K. TREHAN, Scientist 'E' & Head (MDCH)

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3529.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है:—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 811 : 1987	1, नवम्बर 2011	30 नवम्बर, 2011
2.	आई एस 3964 : 1980	1, नवम्बर 2011	30 नवम्बर, 2011

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 30th November, 2011

S. O. 3529.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment of the Indian Standards, particulars of which is given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 811 : 1987	1 November, 2011	30 November, 2011
2.	IS 3964 : 1980	1 November, 2011	30 November, 2011

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 30 नवम्बर, 2011

क्र.आ. 3530.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1003 (भाग 1) : 2003	2, नवम्बर 2011	30 नवम्बर, 2011
2.	आई एस 1003 (भाग 2) : 1994	3, नवम्बर 2011	30 नवम्बर, 2011
3.	आई एस 4021 : 1995	3, नवम्बर 2011	30 नवम्बर, 2011

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे, तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 30th November, 2011

S. O. 3530.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standards, particulars of which is given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1003 (Part 1) : 2003	2, November 2011	30 November, 2011
2.	IS 1003 (Part 2) : 1994	3, November 2011	30 November, 2011
3.	IS 4021 : 1995	3, November 2011	30 November, 2011

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3531.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 7638 : 1999	3, नवम्बर 2011	30 नवम्बर, 2011
2.	आई एस 13745 : 1993	1, नवम्बर 2011	30 नवम्बर, 2011

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे, तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (मिविल इंजीनियरी)

New Delhi, the 30th November, 2011

S. O. 3531.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standards, particulars of which is given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 7638 : 1999	3, November 2011	30 November, 2011
2.	IS 13745 : 1993	1, November 2011	30 November, 2011

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai

and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 2 दिसम्बर, 2011

का.आ. 3532.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा भाग संख्या	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6) (7)	(8) (9)
1.	3765576	21-11-2011	हॅलो बेवरेजैस, 11, तल माला, मरोल नाका, चिमाटपाडा रोड, अंधेरी पूर्व, मुंबई-400 059	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	2004
2.	3771672	21-11-2011	स्वदेशी कंझुमर प्रोडक्ट्स, गट सं. 334/1, महालपाटने, तालुका देवला, नासिक जिला, महाराष्ट्र-423 102	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	2004
3.	3775175	21-11-2011	जेमिनी कंक्रीट वर्क्स, सर्वे सं 55/1/2, गाँव आसनास, पो ऑ पिलसाई वाडा, तालुका थाने-401 303	पूर्व ढलित कंक्रीट पाइपें (प्रबलन एवं बिना प्रबलन के)	458	2003
4.	3777684	21-11-2011	स्पेरएज सील्स लिमिटेड, एस सं 50/1-2-3-बी/2बी, एंट गाँव दहिवली, तालुका खालापुर, जिला : रायगढ़-400 604	बी वेल्ड-वृत्ताकार औद्योगिक प्रयोजनों के लिए बी वेल्ड-भाग 1 सामान्य प्रयोजन	2494 1	2004

[सं. : सीएमडी-13 : 11]

देवदत्त झा, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 2nd December, 2011

S. O. 3532.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3765576	21-11-2011	M/s. Hello Beverages, 11, Ground Floor, Marol Naka, Chimatpada Road, Andheri(E) Mumbai-400 059	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3771672	21-11-2011	M/s. Swadeshi Consumer Products, Gate No. 334/1, Mahalpatne, Tal: Deola, Distt. Nashik-423102	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004
3.	3775175	21-11-2011	Gemini Concrete Works, Survey No. 55/1/2, Village Asanas, P.O. Pilsai, Wada Distt. Thane-401 303	Precast Concrete Pipes (With and without Reinforcement)	458	—	—	2003
4.	3777684	21-11-2011	Spareage Seals Limited, S. No. 50/1-2-3-b/2b, At: Village Dahivali, Tal: Khalapur, Distt. Raigad-401 203	V-belts - Endless V-belts for Industrial Purposes-Part 1-General Purpose	2494	1	—	1994

[No.: CMD/13 : 11]

DEV DUTT JHA, Scientist 'F' & Head

नई दिल्ली, 5 दिसम्बर, 2011

का.भा. 3533.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	3732864	19-10-2011	रामस्नेही इंडस्ट्रीज, क्र. सं. 340/28, दुकान नं. 1-3-95/1 से 7, एम आर मंत्री परिसर, मानवत जिला परभणी, महाराष्ट्र	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		2004
2.	3773878	15-11-2011	अजंता प्रेस एंड मैकेनिकल वर्क्स, प्लॉट सं बी-45, एमआईडीसी एरिया वालुज, जिला औरंगाबाद, महाराष्ट्र-431 136	ठोस बायो-मॉस चूल्हा -विशिष्ट भाग-1 पोर्टेबल (मेटालिक)	13152	01	1991
3.	3773373	15-11-2011	आर्टस वाटरमेटिक्स प्राइवेट, लिमिटेड, सं. नं. 25, गट सं. 84, 'डी' ब्लॉक, प्लॉट सं 43-47, एमआईडीसी परभणी के पास एट खानापुर, जिला परभणी, महाराष्ट्र-431 401	सिंचाई उपस्कर-स्प्रिंकलर पाइप-विशिष्ट भाग 2 सहज संयोजी पालीएथिलीन पाइप	14151	02	2008

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	3739373	2-11-2011	सचिन एंड सचिन एग्रो फूड एंड बेवरेजेज, सं. नं. 198/3ए, विदानी तालुका फलटन, जिला सतारा, महाराष्ट्र-415523	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543			2004
5.	3774375	4-11-2011	लारसंस फूड एंड बेवरेजेज, ग्राम पंचायत सं. 638, सी. एस. नं. 888, कालम्भा टर्फ टी, तालुका कारवीर, जिला कोल्हापुर, महाराष्ट्र-416007	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543			2004
6.	3715359	10-10-2011	ग्रेवेल सर्विसेज, 117, पाषाण रोड, परिजात सोसायटी, तालुका मुलशी, जिला पुणे, महाराष्ट्र-411 021	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543			2004
7.	3732662	18-11-2011	श्री वेंकटेश अकुआ, गट सं. 63, ज्योराई, तालुका मांथा, जिला जालना, महाराष्ट्र-431504	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543			2004
8.	3740560	22-11-2011	योगेश इंडस्ट्रीज, प्लॉट नं. 9, 10, वारशी तालुका उद्योग विकास को-आ. सोसायटी लिमिटेड, बारशी जिला सोलापुर, महाराष्ट्र-413 401	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543			2004

[सं. सीएमडी-13 : 11]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 5th December, 2011

S. O. 3533.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3732864	19-10-2011	Ramsnehi Industries, S. No. 340/28, Shop No. 1-3-95/1 to 7, M. R. Mantri Complex Manwat, District Parbhani, Maharashtra	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3773878	15-11-2011	Ajanta Press & Mechanical Works Plot No. B-45 MIDC Area Waluj District Aurangabad Maharashtra-431136	Solid bio-mass chulha-Specification Part 1-Portable (metallic)	13152	01	—	1991
3.	3773373	15-11-2011	Arts Watermatics Pvt Ltd Sr. No. 25, Gut No. 84 Block 'D', Plot No. 43-47 Near MIDC Parbhani At Khanapur District Parbhani Maharashtra-431401	Irrigation Equipment-Sprinkler Pipes-Specification-Part 2 : Quick Coupled Polyethylene Pipes	14151	02	—	2008
4.	3739373	2-11-2011	Sachin & Sachin Agro Foods And Beverages Sr. No. 198/3A Vidani Taluka Phaltan District Satara Maharashtra-415523	Packaged drinking water (Other than packaged natural mineral water)-Specification	14543	—	—	2004
5.	3774375	4-11-2011	Larsons Food & Beverages Grampanchayat No. 638 C. S. No. 888 Kalammbha Tarf T Taluka Karveer District Kolhapur Maharashtra-416007	Packaged drinking water (Other than packaged natural mineral water)-Specification	14543	—	—	2004
6.	3715359	10-10-2011	Growell Services 117, Pashan Road Parijat Society Taluka Mulshi District Pune Maharashtra-411021	Packaged drinking water (Other than packaged natural mineral water)-Specification	14543	—	—	2004
7.	3732662	18-11-2011	Shri Venkatesh Aquva Gut No. 63 Georai Taluka Mantha District Jalna Maharashtra-431504	Packaged drinking water (Other than packaged natural mineral water)-Specification	14543	—	—	2004
8.	3740560	22-11-2011	Yogesh Industries Plot No. 9, 10 Barshi Taluka Udyog Vikas Co-Op Society Ltd., Barshi District Solapur Maharashtra-431401	Packaged drinking water (Other than packaged natural mineral water)-Specification	14543	—	—	2004

[No. CMD/13 : 11]

B. M. HANEEF, Scientist 'F' & Head

नई दिल्ली, 5 दिसम्बर, 2011

का.आ. 3534.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एनद्दारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7006047	कमांडर वॉटरटेक प्रा. लि. द्वारा कोरेगांव पॉलिमर प्रा. लि. 22/ए, वडगांव शेरी जिला पुणे महाराष्ट्र-411014	वाटर क्लोसेट्स और यूरीनाल के लिए प्लास्टिक के फ्लशिंग सिस्टम्स भामा 7231 : 1994	11-11-2011

[सं. सी एम डी/13 : 13]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 5th December, 2011

S.O. 3534.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No. CMI.-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7006047	Commander Watertech Pvt. Ltd. C/o Koregaon Polymer Pvt. Ltd. 22/A, Vadgaon Sheri District Pune Maharashtra-411014	Plastic flushing cisterns for water closets and urinals IS 7231 : 1994	11-11-2011

[No. CMD/13:13]

B. M. HANEEF, Scientist F & Head

नई दिल्ली, 7 दिसम्बर, 2011

का.आ. 3535.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या सीएम/एल	स्वीकृति करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
01.	L-9893821	01-11-2011	मै. ओएसिस इलेक्ट्रोनिक्स, प्लॉट नं. 114, सेक्टर 7, आइएमटी मानेसर, गुडगाँव-122050 (हरियाणा)	250 वोल्ट तक की रेटित वोल्टता वाले और 16 एम्पीयर तक की रेटित करंट वाले प्लग और सॉकेट निकास	1293	—	—	2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
02.	L-9894924	03-11-2011	मै. शिव इन्टरप्राइसिज, खाता नं. 26, खतौनी नं. 27, मु. नं. 6, किला नं. 3 (8-0), 4(8-0), 6/2(6-10), 7(8-0), 8/1(4-16), 14(8-0), प्लोट नं. 109, गाँधी कलौनी गाँव कुरेशीपुर, तहसील व जिला फरीदाबाद, (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	—	— 2004
03.	L-9897728	03-11-2011	मै. कोशिका प्लाइवुड प्रा. लि., 42 केएम स्टोन, दिल्ली रोहतक रोड, एनएच 10, डाकघर रोहद, बहादुरगढ़, जिला-झज्जर (हरियाणा)	सामान्य प्रयोजनों के लिए प्लाईवुड	303	—	— 1989
04.	L-9897829	03-11-2011	मै. कोशिका प्लाइवुड प्रा. लि., 42 केएम स्टोन, दिल्ली रोहतक रोड, एनएच 10, डाकघर रोहद, बहादुरगढ़, जिला-झज्जर (हरियाणा)	ब्लॉक बोर्ड	1659	—	— 2004
05.	L-9897122	17-11-2011	मै. एलके टेलीलिक्स लि., प्लॉट नं. 84 के सामने, सैक्टर 25, जिला : फरीदाबाद - 121005 (हरियाणा)	पीवीसी इंसुलेटिड (हैवी ड्यूटी) इलेक्ट्रीक केबल 1100 वोल्ट तक तथा सहित की कार्यकारी वोल्टता के लिए	1554	—	1 1988
06.	L-9897223	17-11-2011	मै. एलके टेलीलिक्स लि., प्लॉट नं. 84 के सामने, सैक्टर 25, जिला : फरीदाबाद - 121005 (हरियाणा)	पीवीसी इंसुलेटिड केबल 1100 वोल्ट तक तथा सहित की कार्यकारी वोल्टता के लिए	694	—	— 1990
07.	L-9897425	17-11-2011	मै. एलके टेलीलिक्स लि., प्लॉट नं. 84 के सामने, सैक्टर 25, जिला : फरीदाबाद - 121005 (हरियाणा)	क्रासलिकड पोलिइथलिन रोधित तापसुघट्टय आवरित केबल 1100 वोल्ट तक तथा सहित की कार्यकारी वोल्टता के लिए	7098	1	— 1988

[सं. सीएमडी-13 :11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख (एफ डी ओ)

New Delhi, the 7th December, 2011

S. O. 3535.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9893821	01-11-2011	M/s Oasis Electronics Plot No. 114, Sector-7, IMT Manesar, Distt. Gurgaon-122050 Haryana	Plug and Socket Outlets of rated voltage up to and including 250 volts and rated current upto and including 16 amperes	1293	—	—	2005
2.	L-9894924	03-11-2011	M/s Shiv Enterprises, Khata No. 26, Khatuni No. 27, In No. 6, Killa No. 3(8-0), 4(8-0), 6/2(6-10), 7(8-0), 8/1(4-16), 14(8-0), Plot No. 109, Gandhi Colony, Village Kureshipur, Tehsil & Distt Faridabad Haryana	Packaged drinking water (Other than Natural Mineral Water)	14543	—	—	2004
3.	L-9897728	03-11-2011	M/s Koshika Plywood Pvt Ltd. 42 K. M. Stone, Delhi Rohtak Road, N. H. 10, P.O. Rohad, Bahadurgarh, Distt : Jhajjar, Haryana.	Plywood for general purposes	303	—	—	1989
4.	L-9897829	03-11-2011	M/s Koshika Plywood Pvt Ltd, 42 K. M. Stone, Delhi Rohtak Road, N. H. 10, P.O. Rohad, Bahadurgarh, Distt : Jhajjar, Haryana.	Block boards	1659	—	—	2004
5.	L-9897122	17-11-2011	M/s Elkay Telelinks Ltd. Plot No. 84, Sector-25, Distt : Faridabad-121005 Haryana	PVC insulated (Heavy Duty) electric cables, Pt. 1 for working voltage upto and including 1100V	1554	—	1	1988
6.	L-9897223	17-11-2011	M/s Elkay Telelinks Ltd. Opp. Plot No. 84, Sector-25, Distt : Faridabad-121005 Haryana	PVC insulated cables, for working voltage upto and including 1100V	694	—	—	1990

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	L-9897425	17-11-2011	M/s Elkay Telelinks Ltd. Opp. Plot No. 84, Sector-25, Distt : Faridabad-121005 Haryana	Crosslinked ployethylene insulated PVC sheathed cables Pt. 1 for working voltage upto and including 1100V	7098	1	—	1988

[No.: CMD/13 : 11]

M. SADASIVAM, Scientist 'F' & Head (FDO)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3536.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 2183 दिनांक 16-8-2010, और संशोधन का.आ. 2053 दिनांक 4-8-2011, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, रमन मंडी (पंजाब राज्य में) से बहादुरगढ़ (हरियाणा राज्य में) तक, पेट्रोलियम उत्पाद के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा "जी जी एस आर उत्पाद निष्क्रमण परियोजना रमन मंडी से बहादुरगढ़ पेट्रोलियम पाइपलाइन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील सांपला जिला रोहतक राज्य हरियाणा की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 20-10-2011 को उपलब्ध करा दी गई थीं,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : सांपला		जिला : रोहतक			राज्य : हरियाणा		
क्रम सं.	गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/किला संख्या	हेक्टेयर	क्षेत्रफल एयर	वर्गमीटर
1	पाकस्मा	57	37	21/1	00	01	51
2	भैसरू खुर्द	31	3	19	00	10	12
				20	00	01	01

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th November, 2011

S.O. 3536.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2183 dated the 16th August, 2010 and in subsequently amended vide S.O. 2053 dated the 4th August, 2011, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana by the Hindustan Petroleum Corporation Limited for implementing the "GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh" in Tehsil Sampla, District Rohtak, in Haryana State;

And whereas, copies of the said gazette notification were made available to the public on 20-10-2011.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Sampla		District : Rohtak			State : Haryana		
Sl. No.	Name of the Village	Hadbast. No.	Mustatil No.	Khasra/ Killa No.	Area		
(1)	(2)	(3)	(4)	(5)	Hectare	Are	Sq. mtr.
1.	Pakasma	57	37	21/1	00	01	51
2.	Bhansru Khurd	31	3	19	00	10	12
				20	00	01	01

[F.No. R-31015/5/2009-O.R-II]

LAL CHHANDAMA, Under Secy.

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3537.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3008, तारीख 3 दिसम्बर, 2010 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में तिरुतनी के पास विजयवाड़ा-नेल्लोर-चेन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चेन्नई-ट्यूटीकोरिन पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के लिए अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 22 जून, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं;

और, पाइपलाइन बिछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन का विनिश्चय किया है;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूची

तालुक : निलकोट्टय		जिला : डिन्डिगल		राज्य : तमिलनाडु	
गाँव का नाम		सर्वे सं/सब डिविजन सं.		आर.ओ.यू.अर्जित करने के लिए क्षेत्रफल	
				हेक्टेयर	एयर
1		2		3	4
				5	
1) पल्लापट्टी		31/1सी		00	01
		31/1डी		00	03
		31/1ई		00	03
		31/1एफ		00	01

[फा.स. एल.-14014/94/10-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 9th December, 2011

S. O. 3537.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 3008 dated 03rd December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (S.O. of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai – Tuticorin gas pipeline for transportation of natural gas from terminal point of Vijayawada – Nellore - Chennai pipeline near Tiruttani in Tamil Nadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country ;

And whereas, the copies of the said Gazette notification were made available to the public on or before 22nd June, 2011;

And whereas, no objections were received from the public to the laying of the pipeline;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances

Schedule

Taluk:Nilakottai		District:Dindigul		State:Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for ROU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Pallapatti	31/IC	00	01	42	
	31/ID	00	03	54	
	31/IE	00	03	61	
	31/IF	00	01	32	

[F.No. L-14014/94/10-GP.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 3538.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3007 तारीख 13 दिसंबर, 2010 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में तिरुतनी के पास विजयवाडा - नैलुर - चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई - ट्यूटीकोरिन पाइपलाइन विछाने के प्रायोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 02 नवम्बर, 2011 को अथवा उससे पूर्व उपलब्ध कर दी गई थी ;

और, पाइपलाइन विछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 5 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विलिंगों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

तालुक : वेदायन्दु		जिला थिन्डिगल		राज्य अभिलेखाङ्क	
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू.अर्जित कर के लिए क्षेत्रफल			
		हेक्टेयर	एयर	सि.एयर	
1	2	3	4	5	
) आलन्वाडि	58/1	00	25	14	
	58/2	00	17	57	
	57	00	29	28	
	64	00	16	33	
	65/1	00	24	47	
	68/2ए	00	15	87	
	68/2बी	00	16	77	
	69/2	00	05	94	
	75/1	00	69	66	
	75/2	00	31	71	
	76/1	00	53	24	
	792/1	00	05	66	
	792/2	00	22	88	
	774/1बी2	00	23	84	
	774/1ए	00	00	10	
	773/5	00	06	64	
	773/1बी2	00	09	18	
	773/1ए	00	04	47	
	773/1बी1	00	30	54	
	753/1	00	17	72	
	753/2	00	20	04	
	755	00	14	68	
	756	00	23	65	
	744	00	51	63	
	739	00	20	40	
	738	00	37	27	
	728	00	15	83	
	727	00	13	50	
	714/4ए	00	45	78	
	714/4बी	00	16	94	
	715	00	29	99	
	716/1	00	01	13	
	706	00	00	10	
	704/4	00	05	68	
	704/3	00	04	15	
	704/2	00	02	63	
	704/5	00	00	87	

1	2	3	4	5
आलम्याडि (निम्न)	704/6	00	61	55
	704/7	00	02	81
	704/8	00	00	10
	704/9	00	03	90
	704/10	00	00	61
	704/11	00	04	96
	704/13	00	01	92
	704/12	00	06	87
	703/2इ	00	00	10
	1201/1	00	00	41
	1200/1डी	00	00	48
	1200/1मी	00	00	93
	1200/1वी	00	15	52
	1200/2मी	00	00	31
	1200/2डी	00	04	18
	1199/3	00	01	93
	1199/2मी	00	14	73
	1197/1	00	09	78
	1197/3	00	00	91
	1197/4	00	02	17
	1197/5	00	01	64
	1198/1	00	03	03
	1198/2	00	05	88
	1198/3	00	19	64
	1172	00	32	94
	1175	00	13	40
	1174	00	00	90
	1354	00	02	88
	1375	00	09	09
	745	00	00	91
	60/1	00	00	49
	725/2	00	50	81
	1176/1	00	77	57
	1169/1	00	47	58
	1347/1ए	00	04	65
	1347/1ई	00	05	50
	1347/1एफ	00	04	70
	1347/1जी	00	05	61
	1347/2ए	00	05	10
	1345/2मी	00	00	13
	1345/2डी	00	00	72
	1345/2ई	00	03	57

1	2	3	4	5
आलम्यादि (निर्गद)	1345/2एफ	00	03	22
	1362/1ए	00	15	62
	1362/1ए	00	00	87
	1362/1म	00	04	86
	1362/1म	00	04	59
	1362/1म	00	04	61
	1362/2ए	00	11	13
	1362/2म	00	07	56
	1362/2म	00	08	55
	1353/1	00	17	61
	1353/2	00	23	01
	1353/3	00	06	78
	1355/6ए	00	02	88
	1355/5ए	00	02	14
	1355/4ए	00	00	10
	1355/4म	00	00	88
	1355/5म	00	02	56
	1355/6म	00	01	72
	1355/6म	00	02	06
	1355/8म	00	02	02
	1355/4म	00	02	79
	1355/5म	00	01	52
	1355/5म	00	03	83
	1356/1	00	12	51
	1356/5	00	04	47
	1356/6	00	06	40
	1356/11	00	05	76
	1356/10	00	05	97
	1356/15ए	00	11	50
	1356/16	00	14	19
	1362/1	00	00	25
	1362/2	00	32	58
	1362/4	00	00	10
	1362/5	00	02	06
	1362/6	00	03	39
	1362/7	00	02	18
	1363/1	00	03	30
	1363/2	00	05	36
	1376/5	00	00	11
	1376/4	00	08	08
	1377/4	00	30	25
	1374/1	00	01	03

निरंतर... 5

1	2	3	4	5
1) आलम्बाडि (निरंतर)	1378/1	00	01	41
	1378/2	00	01	94
	1378/3	00	02	44
	1378/4	00	03	96
	1378/5	00	03	44
	1378/6	00	01	72
	1378/7	00	03	88
	1378/8	00	03	85
	1378/9	00	02	93
	1379/4	00	01	13
	1382/1ए	00	08	35
	1382/1बी	00	02	10
	1382/2ए	00	00	85
	1382/2बी	00	00	31
	1382/2एफ	00	06	38
	1382/3	00	04	19
	1382/4	00	03	48
	1382/8ए	00	15	40
	1386/1	00	49	53
	1427/1ए	00	01	63
	1427/1बी	00	06	16
	1427/1सी	00	06	00
	1427/1डी	00	07	14
	1427/1ई	00	09	67
	1427/1एफ	00	10	55
	1427/2	00	42	20
	1346/3	00	07	11
	1346/1	00	00	26
	1346/2	00	03	05
	1346/4	00	03	30
	1346/5	00	03	70
	1346/6	00	01	38

तालुक : आलुर	जिला : इडिन्डिगल	गम्य : तमिलनाडु
1) पिथलायपट्टी	1/1	00 67 03
	8/2ए	00 24 00
	8/2बी	00 28 01
	8/3	00 02 29
	8/4	00 28 21
	8/5	00 00 81
	23/5	00 19 55
	7/1	00 12 97
	23/3	00 09 54
	24/2ए	00 46 08

1	2	3	4	5
पिथलायपट्टी (निरंतर)	30/5	00	11	25
	30/4	00	00	15
	31/1	00	06	80
	31/2	00	07	77
	28/1	00	05	61
	28/2	00	04	08
	28/3	00	04	00
	28/4ए	00	02	09
	28/4बी	00	10	15
	28/5ए	00	06	00
	28/5बी	00	04	00
	28/6	00	02	71
	27/1	00	08	58
	27/2	00	03	31
	26/1	00	04	65
	26/2ए	00	02	93
	147/2ए	00	09	32
	147/2बी	00	10	48
	147/2सी	00	09	92
	148/1बी	00	01	08
	148/1ए	00	06	19
	152/1	00	03	72
	152/2	00	16	28
	152/3	00	09	25
	152/4	00	10	26
	154	00	01	42
	151/1	00	02	91
	163/1ए	00	05	21
	153/2बी2	00	00	10
	153/2बी1	00	00	32
	153/2बी3	00	03	01
	153/2ए	00	00	10
	153/1	00	00	10
वक्कनपट्टी	15	00	29	00
	11/1	00	07	59
	11/2	00	02	43
	11/3	00	02	93
	11/5	00	00	68
	11/6	00	00	18
	28	00	11	56
	47/1	00	06	92
	47/2ए	00	03	76

1	2	3	4	5
3.) वक्त्रमपट्टी (निरंतर)	47/2वीं	00	03	33
	47/4ए	00	04	00
	47/4वीं 1	00	00	47
	47/4वीं 2	00	03	17
	47/5वीं 1	00	03	90
	47/5वीं 2	00	04	21
	47/7वीं	00	03	44
	47/8	00	02	77
	47/11वीं	00	03	21
	47/12	00	03	38
	47/14ए	00	05	58
	47/14वीं	00	05	06
	51/1	00	01	21
	52/1सी	00	02	39
	52/2	00	01	68
	51/3	00	01	08
	51/5	00	02	06
	80/1	00	03	73
	80/2	00	01	01
	80/4	00	00	
	80/7ए	00	06	89
	80/7वीं	00	08	25
	80/7मी	00	06	27
	80/9	00	04	92
	80/12	00	04	66
	80/14	00	02	05
	80/16	00	02	06
	80/15=	00	02	16
	80/15एच	00	02	22
	80/22	00	01	27
	80/23	00	09	14
	78/2मी	00	00	22
	78/7	00	02	09
	78/8वीं	00	04	33
	83/2ए	00	11	77
	83/2वीं	00	00	10
	83/2मी	00	05	07
	83/2एच	00	00	96
	83/2जी	00	02	29
	83/2आइ	00	05	21
	83/2एल	00	01	69
	33/3	00	11	63

	2	3	4	5
83/5	00	03	64	
87/4ए	00	03	75	
87/5ए	00	05	30	
87/5बी	00	05	59	
87/5सी	00	01	14	
87/5डी	00	05	05	
87/5एफ	00	02	86	
87/5ग	00	01	93	
87/5जी	00	01	55	
87/6	00	01	95	
85	00	07	42	
97/2	00	08	19	
97/5सी	00	06	66	
97/5डी	00	02	93	
97/9ए	00	01	79	
97/9बी	00	02	34	
97/10	00	02	96	
97/11ए	00	00	86	
97/5डी	00	00	10	
97/6डी	00	01	76	
97/8डी	00	00	41	
97/6ए	00	04	57	
97/8ए	00	10	48	
98	00	14	34	
99/10	00	03	13	
99/12ए	00	02	93	
99/12बी	00	02	19	
108	00	11	75	
14/2ए	00	00	10	
14/2बी 1	00	19	89	
14/2बी 2	00	25	11	
13/1	00	05	05	
13/2ए	00	30	12	
12/2	00	09	61	
12/3ए	00	02	91	
12/3बी	00	02	78	
12/3सी	00	02	58	
49/1	00	03	98	
49/2ए	00	08	08	
49/2बी	00	00	62	
49/2सी	00	02	00	
49/2डी	00	09	33	

1	2	3	4	5
1 वक्रमपट्टी (निर्गम)	56/2वीं	00	05	96
	56/3वीं	00	00	44
	56/4वीं	00	00	28
	56/4वीं	00	02	44
	56/3वीं	00	06	55
	56/4वीं	00	00	80
	56/6वीं 2	00	02	05
	56/8वीं	00	01	29
	56/10	00	00	04
	56/9	00	03	85
	58/1वीं	00	01	53
	58/3	00	11	73
	86/3	00	06	74
	86/4	00	06	59
	86/5	00	06	83
	86/6वीं	00	02	06
	86/8	00	02	24
	49/2वीं	00	01	35
	58/1वीं	00	00	61

[फा.सं. एल.-14014/94/10-जा.पो.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 9th December, 2011

S. O. 3538.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 3007 dated 03rd December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai - Tuticorin gas pipeline for transportation of natural gas from terminal point of Vijayawada - Nellore - Chennai pipeline near Tiruttani in Tamil Nadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country :

And whereas, the copies of the said Gazette notification were made available to the public on or before **02nd November, 2011**;

And whereas, no objections were received from the public to the laying of the pipeline:

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances

Schedule

Taluk: Edasandur		District: Dindigul		State: Tamil Nadu		
Village	Survey No./Sub-Division No.	Area to be acquired for ROU				
		Hec	Are	C-Are		
1	2	3	4	5		
Arambadi	58-1	00	25	14		
	58-2	00	17	57		
	57	00	29	28		
	60	00	16	33		
	65-1	00	24	47		
	68-2A	00	15	87		
	68-2B	00	16	77		
	69-2	00	05	94		
	75-1	00	69	66		
	75-2	00	31	71		
	76-1	00	53	24		
	792-1	00	05	66		
	792-2	00	22	88		
	774-1B2	00	23	84		
	774-1A	00	00	10		
	773-5	00	06	64		
	773-1B2	00	09	18		
	773-1A	00	04	47		
	773-1B1	00	30	54		
	753-1	00	17	72		
	753-2	00	20	04		
	755	00	14	68		
	756	00	23	65		
	744	00	51	63		
	739	00	20	40		
	738	00	37	27		
	728	00	15	83		
	727	00	13	50		
	714/4A	00	45	78		
	714/4B	00	16	94		
	715	00	29	99		
	716/1	00	01	13		
	706	00	00	10		
	704/4	00	05	68		
	704/3	00	04	15		
	704/2	00	02	63		
	704/5	00	00	87		

Continued.....3

1	2	3	4	5
1) Alambadi (Contd)	704/6	00	01	55
	704/7	00	02	81
	704/8	00	00	10
	704/9	00	03	90
	704/10	00	00	61
	704/11	00	04	96
	704/13	00	01	92
	704/12	00	06	87
	703/2E	00	00	10
	1201/1	00	00	41
	1200/1D	00	00	48
	1200/1C	00	00	93
	1200/1B	00	15	52
	1200/2C	00	00	31
	1200/2D	00	04	18
	1199/3	00	01	93
	1199/2C	00	14	73
	1197/1	00	09	78
	1197/3	00	00	91
	1197/4	00	02	17
	1197/5	00	01	64
	1198/1	00	03	03
	1198/2	00	05	88
	1198/3	00	19	64
	1172	00	32	94
	1175	00	13	40
	1174	00	00	96
	1354	00	02	88
	1375	00	09	09
	745	00	00	92
	60/1	00	00	49
	725/2	00	50	87
	1176/1	00	77	57
	1169/1	00	47	55
	1347/1A	00	04	65
	1347/1E	00	05	50
	1347/1F	00	04	70
	1347/1G	00	05	61
	1347.2A	00	05	10
	1345/2C	00	00	13
	1345/2D	00	00	72
	1345/2E	00	03	57

1	2	3	4	5
1) Alambadi (Contd)	1378/1	00	01	41
	1378/2	00	01	94
	1378/3	00	02	44
	1378/4	00	03	96
	1378/5	00	03	44
	1378/6	00	01	72
	1378/7	00	03	88
	1378/8	00	03	85
	1378/9	00	02	93
	1379/4	00	01	13
	1382/1A	00	08	35
	1382/1B	00	02	10
	1382/2A	00	00	85
	1382/2B	00	00	31
	1382/2F	00	06	38
	1382/3	00	04	19
	1382/4	00	03	48
	1382/8A	00	15	40
	1386/1	00	49	53
	1427/1A	00	01	63
	1427/1B	00	06	16
	1427/1C	00	06	00
	1427/1D	00	07	14
	1427/1E	00	09	67
	1427/1F	00	10	55
	1427/2	00	42	20
	1346/3	00	07	11
	1346/1	00	00	26
	1346/2	00	03	05
	1346/4	00	03	30
	1346/5	00	03	70
	1346/6	00	01	38

Taluk: Athoor	District: Dindigul	State: Tamil Nadu
1) Pithalaipatti	1/1	00 67 03
	8/2A	00 24 00
	3/2B	00 28 01
	8/3	00 02 29
	8/4	00 28 21
	8/5	00 00 81
	23/5	00 19 55
	7/1	00 12 97
	23/3	00 09 54
	24/2A	00 46 08

1	2	3	4	5
1) Pihalaipatti (Contd)	30/5	00	11	25
	30/4	00	00	15
	31/1	00	06	80
	31/2	00	07	77
	28/1	00	05	61
	28/2	00	04	08
	28/3	00	04	00
	28/4A	00	02	09
	28/4B	00	10	15
	28/5A	00	06	00
	28/5B	00	04	00
	28/6	00	02	71
	27/1	00	08	58
	27/2	00	03	31
	26/1	00	04	65
	26/2A	00	02	93
	147/2A	00	09	32
	147/2B	00	10	48
	147/2C	00	09	92
	148/1B	00	01	08
	148/1A	00	06	19
	152/1	00	03	72
	152/2	00	16	28
	152/3	00	09	25
	152/4	00	10	26
	154	00	01	42
	151/1	00	02	91
	163/1A	00	05	21
	153/2B2	00	00	10
	153/2B1	00	00	32
	153/2B3	00	03	01
	153/2A	00	00	10
	153/1	00	00	10
2) Vakkampatti	15	00	29	00
	11/1	00	07	59
	11/2	00	02	43
	11/3	00	02	93
	11/5	00	00	68
	11/6	00	00	18
	28	00	11	56
	47/1	00	06	92
	47/2A	00	03	76

1	2	3	4	5
2) Vakkampatti (Contd)	47/2B	00	03	33
	47/4A	00	04	00
	47/4B1	00	00	47
	47/4B2	00	03	17
	47/5B1	00	03	90
	47/5B2	00	04	21
	47/7B	00	03	44
	47/8	00	02	77
	47/11B	00	03	21
	47/12	00	03	38
	47/14A	00	05	58
	47/14B	00	05	06
	51/1	00	01	21
	52/1C	00	02	39
	52/2	00	01	68
	51/3	00	01	08
	51/5	00	02	06
	80/1	00	03	73
	80/2	00	01	01
	80/4	00	00	39
	80/7A	00	06	89
	80/7B	00	08	25
	80/7C	00	06	27
	80/9	00	04	92
	80/12	00	04	66
	80/14	00	02	05
	80/16	00	02	06
	80/15F	00	02	16
	80/15H	00	02	22
	80/22	00	01	27
	80/23	00	09	14
	78/2C	00	00	22
	78/7	00	02	09
	78/8B	00	04	33
	83/2A	00	11	77
	83/2B	00	00	10
	83/2C	00	05	07
	83/2F	00	00	96
	83/2G	00	02	29
	83/2I	00	03	21
	83/2L	00	01	69
	83/3	00	11	63

1	2	3	4	5
2) Vakkampatti (Contd)	83/5	00	03	64
	87/4A	00	03	75
	87/5A	00	05	30
	87/5B	00	05	59
	87/5C	00	01	14
	87/5D	00	05	05
	87/5F	00	02	86
	87/5E	00	01	93
	87/5G	00	01	55
	87/6	00	01	95
	85	00	07	42
	97/2	00	08	19
	97/5C	00	06	66
	97/5D	00	02	93
	97/9A	00	01	79
	97/9B	00	02	34
	97/10	00	02	96
	97/11A	00	00	86
	97/5B	00	00	10
	97/6B	00	01	76
	97/8B	00	00	41
	97/6A	00	04	57
	97/8A	00	10	48
	98	00	14	34
	99/10	00	03	13
	99/12A	00	02	93
	99/12B	00	02	19
	108	00	11	75
	14/2A	00	00	10
	14/2B1	00	19	89
	14/2B2	00	25	11
	13/1	00	05	05
	13/2A	00	30	12
	12/2	00	09	61
	12/3A	00	02	91
	12/3B	00	02	78
	12/3C	00	02	58
	49/1	00	03	98
	49/2A	00	08	08
	49/2B	00	00	62
	49/2C	00	02	00
	49/2D	00	09	33

1	2	3	4	5
2) Vakkampatti (Contd)	56/2B1	00	05	96
	56/3A1	00	00	44
	56/4A	00	00	28
	56/4B	00	02	44
	56/3B	00	06	55
	56/4C	00	00	80
	56/6A2	00	02	05
	56/3B	00	01	29
	56/1G	00	09	04
	56/9	00	03	85
	58/1A	00	01	53
	58/3	00	11	73
	86/3	00	06	74
	86/4	00	06	59
	86/5	00	03	85
	86/6B	00	02	66
	86/8	00	02	25
	49/2E	00	01	75
	58/1B	00	00	61

[F No. L-14014/94/10-GP.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 3539.— भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3005 तारीख 03 दिसम्बर, 2010 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में निम्नलिखित के पास विजयवाड़ा - नैलुर - चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मार्ग रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई - ट्यूटीकोरिन पाइपलाइन विछाने के प्रायोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 28 जुलाई, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन विछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विलम्बों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

तालुक ४ तिरुवनमलाय	जिला ४ तिरुवनमलाई	राज्य ४ तमिलनाडु		
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि. एयर
1	2	3	4	5

1) अरुम्पाक्काम	68/1	00	35	28
	67/3वी	00	01	68
	67/5ए	00	17	05
	67/4ए1	00	05	54
	67/4ए2	00	00	14
	67/4वी	00	13	30
	67/4सी	00	00	55
	67/6सी	00	17	39
	65/2	00	21	02
	64/2वी	00	00	55
	64/2ए	00	23	67
	64/6	00	21	86
	64/4	00	11	20
	64/5	00	14	96
2) तालव्याम्पल्लम	117/5वी	00	01	38
	118/4वी	00	12	46
	118/4ए	00	04	57
	118/3ए	00	01	64
	118/3वी	00	25	76
	118/5ए	00	02	11
	118/7ए	00	07	01
	118/7वी	00	09	06
	118/7सी	00	14	60
	118/6ई	00	00	10
	118/7डी	00	02	77
	118/7ई	00	08	42
	118/7एफ	00	08	85

तालुक ४ शंकरापुरम	जिला ४ विल्लुपुरम	राज्य ४ तमिलनाडु		
1) चेल्लक्कायकुप्पम	1/2ए	00	13	97
	1/4	00	07	49
	1/9	00	01	33
	2/2ए2	00	03	07
	2/2ए1	00	01	48
	2/2ए4	00	00	10
	15/4	00	01	88
	15/3	00	01	56
	15/2	00	00	10
	15/1वी	00	03	82

1	2	3	4	5
1) चेल्लक्कायकुप्पम (निरंतर)	15/6मी	00	03	80
	15/7ई	00	03	69
	15/10	00	03	15
	15/11ए	00	00	54
	15/11बी	00	01	20
	15/11डी	00	02	33
	15/12	00	02	35
	15/11मी	00	01	84
	20/1ए	00	01	04
	21/11मी	00	05	09
	20/1बी	00	01	10
	20/1मी	00	01	28
	20/1डी	00	01	53
	20/1ई	00	03	60
	21/3बी	00	02	77
	21/3ए	00	06	07
	21/5ए	00	01	23
	21/5बी	00	01	69
	24/1	00	02	13
	24/2	00	01	95
	24/8डी	00	02	07
	24/8ई	00	01	85
	24/3	00	04	80
	24/8जी	00	00	65
	24/8एच	00	01	45
	24/8आई	00	01	50
	24/8जे	00	00	91
	24/9ए	00	03	17
	24/9बी	00	02	96
	24/9मी	00	03	12
	23/5बी	00	02	38
	23/5डी	00	05	83
	23/5ई	00	11	01
	23/5जी	00	09	72
2) चंडीयान्दल (वडा)	119/4	00	00	27
	119/5	00	02	74
	137/6ए1	00	00	14
	137/6ए2	00	09	30
	137/6बी	00	00	10
	137/7ए	00	03	05
	137/7बी	00	03	95
	138/2बी	00	05	50

1	2	3	4	5
2) चेडीवान्दल (वडा) (निरंतर)	138/2ए	00	00	25
	138/2मी	00	04	16
	138/2दी	00	00	86
	138/3दी	00	08	80
	138/3ए	00	05	91
	138/1	00	00	52
	138/7	00	06	29
	138/5	00	01	29
	138/6	00	02	56
	138/8	00	06	86
	138/10ए	00	01	28
	138/10दी	00	01	55
	138/9	00	04	03
	138/4मी	00	05	97
	76/4मी	00	08	12
	76/4दी	00	16	12
	76/4ई	00	20	07

[फा सं. एल.-14014/100/10-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 9th December, 2011

S. O. 3539.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 3005 dated 03rd December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai – Tuticorin gas pipeline for transportation of natural gas from terminal point of Vijayawada – Nellore - Chennai pipeline near Tiruttani in Tamil Nadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country ;

And whereas, the copies of the said Gazette notification were made available to the public on or before *28th July,* 2011;

And whereas, no objections were received from the public to the laying of the pipeline.;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Taluk: Thiruvannamalai		District: Thiruvannamalai		State: Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Arumpakkam	68/1	00	35	28	
	67/3B	00	01	68	
	67/5A	00	17	05	
	67/4A1	00	05	54	
	67/4A2	00	00	14	
	67/4B	00	13	50	
	67/4C	00	00	55	
	67/6C	00	17	39	
	65/2	00	21	02	
	64/2B	00	00	55	
	64/2A	00	23	67	
	64/6	00	21	86	
	64/4	00	11	20	
	64/5	00	14	96	
2) Talaiyampallam	117/5B	00	01	38	
	118/4B	00	12	46	
	118/4A	00	04	57	
	118/3A	00	01	64	
	118/3B	00	25	76	
	118/5A	00	02	11	
	118/7A	00	07	01	
	118/7B	00	09	06	
	118/7C	00	14	60	
	118/6E	00	00	10	
	118/7D	00	02	77	
	118/7E	00	08	42	
	118/7F	00	08	85	
Taluk: Sankarapuram		District: Villupuram		State: Tamil Nadu	
1) Chellakkaykuppam	1/2A	00	15	97	
	1/4	00	07	49	
	1/9	00	01	33	
	2/2A2	00	03	07	
	2/2A1	00	01	48	
	2/2A4	00	00	10	
	15/4	00	01	88	
	15/3	00	01	56	
	15/2	00	00	10	
	15/1B	00	03	82	

1	2	3	4	5
1) Chellakkaykuppam (Contd)	15/6C	00	03	80
	15/7E	00	03	69
	15/10	00	03	15
	15/11A	00	00	54
	15/11B	00	01	20
	15/11D	00	02	33
	15/12	00	02	35
	15/11C	00	01	84
	20/1A	00	01	04
	21/11C	00	05	09
	20/1B	00	01	10
	20/1C	00	01	28
	20/1D	00	01	53
	20/1E	00	03	60
	21/3B	00	02	77
	21/3A	00	06	07
	21/5A	00	01	23
	21/5B	00	01	69
	24/1	00	02	13
	24/2	00	01	95
	24/8D	00	02	07
	24/8E	00	01	85
	24/3	00	04	80
	24/8G	00	00	65
	24/8H	00	01	45
	24/8I	00	01	50
	24/8J	00	00	91
	24/9A	00	03	17
	24/9B	00	02	96
	24/9C	00	03	12
	23/5B	00	02	38
	23/5D	00	05	83
	23/5E	00	11	01
	23/5G	00	09	72
2) Chettiyandal (Vada)	119/4	00	00	27
	119/5	00	02	74
	137/6A1	00	00	14
	137/6A2	00	09	30
	137/6B	00	00	10
	137/7A	00	03	05
	137/7B	00	03	95
	138/2B	00	05	50

1	2	3	4	5
2) Chettiyandal (Vada) (Contd)	138/2A	00	00	25
	138/2C	00	04	16
	138/2D	00	00	86
	138/3B	00	08	80
	138/3A	00	05	91
	138/1	00	00	52
	138/7	00	06	29
	138/5	00	01	29
	138/6	00	02	56
	138/8	00	06	86
	138/10A	00	01	28
	138/10B	00	01	55
	138/9	00	04	04
	138/4C	00	05	97
	76/4C	00	08	12
	76/4D	00	16	12
	76/4E	00	20	07

[F.No. L-14014/100/10-GP.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 9 दिसम्बर, 2011

क्र. आ. 3540.— भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3005 तारीख 03 दिसम्बर, 2010 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में तिरुतनी के पास विजयवाडा - नैलुर - चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिमाटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई - टयूटीकोरिन पाइपलाइन विछाने के प्रायोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 28 जून, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन विछाने के संबंध में, जनता की ओर से प्राप्त आक्षेपों पर मक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अनुज्ञात कर दिया गया ;

और, मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख में भारत सरकार में निहित होने के बजाए, मर्भा बिल्डिंग्स में मुक्त, मैसर्स रिलोजिमाटिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

तालुक : कल्लक्कुरिच्चि		जिला : विल्लुपुरम		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर. ओ. यू. अर्जित करने के लिए क्षेत्रफल			
		हेक्टेयर	एयर	सि. एयर	
1	2	3	4	5	
1) एम्बायपट्टनम	16/5	00	00	46	
	16/1	00	06	11	
	16/2	00	07	02	
	16/3	00	05	99	
	16/4	00	02	97	
	23/5	00	06	49	
	23/4	00	11	03	
	24/5ए	00	08	38	
	24/6	00	16	48	
	24/7	00	20	84	
	24/2	00	01	66	
	28/2	00	22	04	
	28/1बी	00	00	25	
	27/3	00	24	02	
	76/7	00	01	53	
	76/6	00	09	52	
	76/4	00	05	48	
	76/5ए	00	10	48	
	76/9	00	01	17	
	76/5बी	00	01	02	
	76/11	00	00	10	
	76/10	00	08	09	
	79/5	00	03	38	
	76/13	00	03	62	
	80/1	00	01	41	
	79/6ए	00	12	11	
	79/6बी	00	04	36	
	79/6ई	00	04	21	
	79/8	00	06	61	
	81/3	00	06	10	
	79/7	00	00	15	
	81/4	00	04	63	
	81/1	00	00	68	
	81/5	00	21	27	
	81/2	00	05	39	
	81/9	00	06	42	
	81/10	00	06	87	

1	2	3	4	5
1) एम्वायपट्टनम (निरंतर)	81/8	00	01	20
	83/8	00	03	82
	83/9	00	01	95
	83/11	00	00	87
	83/7	00	15	87
	85/2	00	20	19
	85/1	00	00	12
	85/3	00	18	06
	86/3ए2	00	03	17
	68/1	00	00	68
	68/2	00	00	89
	86/3वी	00	03	54
	86/5	00	10	59
	86/4	00	05	11
	87/3	00	04	93
	87/5	00	11	79
	87/7	00	16	63
	87/6	00	05	70
	187/1	00	09	02
	187/2ए	00	13	92
	187/2वी	00	04	08
	187/3	00	06	97
	185/8ए2	00	12	21
	185/8वी	00	05	84
	192/3	00	13	63
	192/2	00	04	79
	192/8	00	15	73
	192/9	00	09	97
	192/10	00	08	69
	192/11	00	22	19
	206/2वी	00	07	42
	206/2ए	00	05	48
	206/3	00	12	72
	207/5ए	00	00	54
	207/5वी	00	02	54
	15/1	00	00	69
	17/18	00	03	62
	17/7	00	07	06
	17/17	00	05	68
	17/10	00	00	22
	186/9	00	13	37
	186/8	00	05	92

1	2	3	4	5
1) एस्वायपट्टनम (निर्गतर)	186/7	00	05	30
	195/16	00	07	26
	195/18ए	00	18	75
	195/14	00	15	78

[फा सं. एल.-14014/100/10-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 3540.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 3005 dated 03rd December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai – Tuticorin gas pipeline for transportation of natural gas from terminal point of Vijayawada – Nellore - Chennai pipeline near Tiruttani in Tamil Nadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country ;

And whereas, the copies of the said Gazette notification were made available to the public on or before **28th June, 2011**;

And whereas, objections were received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Taluk: Kallakkurichchi		District: Villupuram		State: Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Eruvaypattanam	16/5	00	00	46	
	16/1	00	06	11	
	16/2	00	07	02	
	16/3	00	05	99	
	16/4	00	02	97	
	23/5	00	06	49	
	23/4	00	11	03	
	24/5A	00	08	38	
	24/6	00	16	48	
	24/7	00	20	84	
	24/2	00	01	66	
	28/2	00	22	04	
	28/1B	00	00	25	
	27/3	00	24	02	
	76/7	00	01	53	
	76/6	00	09	52	
	76/4	00	05	48	
	76/5A	00	10	48	
	76/9	00	01	17	
	76/5B	00	01	02	
	76/11	00	00	10	
	76/10	00	08	09	
	79/5	00	03	38	
	76/13	00	03	62	
	80/1	00	01	41	
	79/6A	00	12	11	
	79/6D	00	04	36	
	79/6E	00	04	21	
	79/8	00	06	61	
	81/3	00	06	10	
	79/7	00	00	15	
	81/4	00	04	63	
	81/1	00	00	68	
	81/5	00	21	27	
	81/2	00	05	39	
	81/9	00	06	42	
	81/10	00	06	87	

1	2	3	4	5
1) Eruvaypattanam (Contd)	81/8	00	01	20
	83/8	00	03	82
	83/9	00	01	95
	83/11	00	00	87
	83/7	00	15	87
	85/2	00	20	19
	85/1	00	00	12
	85/3	00	18	06
	86/3A2	00	03	17
	68/1	00	00	68
	68/2	00	00	89
	86/3B	00	03	54
	86/5	00	10	59
	86/4	00	05	11
	87/3	00	04	93
	87/5	00	11	79
	87/7	00	16	63
	87/6	00	05	70
	187/1	00	09	02
	187/2A	00	13	92
	187/2B	00	04	08
	187/3	00	06	97
	185/8A2	00	12	21
	185/8B	00	05	84
	192/3	00	13	63
	192/2	00	04	79
	192/8	00	15	73
	192/9	00	09	97
	192/10	00	08	69
	192/11	00	22	19
	206/2B	00	07	42
	206/2A	00	05	48
	206/3	00	12	72
	207/5A	00	00	54
	207/5B	00	02	54
	15/1	00	00	69
	17/18	00	03	62
	17/7	00	07	06
	17/17	00	05	68
	17/10	00	00	22
	186/9	00	13	37
	186/8	00	05	92
	186/7	00	05	30
	195/16	00	07	26
	195/18A	00	18	75
	195/14	00	15	78

[F. No. L-14014/100/10-GP.]

A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इस सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखानी के पंचाट (संख्या 39/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th November, 2011

S.O. 3541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the *Indus. Tribunal-cum-Labour Court, Godavarikhani* (39/2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *SCCL* and their workmen, which was received by the Central Government on 15.11.2011.

[No. L-22013/1/2011-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

Present : Sri M. Syamala Rao, B.A., B.L.,

Chairman-cum-Presiding Officer.

Friday, the 14th day of October, 2011.

INDUSTRIAL DISPUTE NO. 39 OF 2006

Between:—

M. Venkataswamy,
S/o. Lingaiah, Aged about 42 years,
E.C.No. 2287810, Ex. Badli Filler,
RK. 7 Incline, H.No. 27-3-54,
Railway Station Basti,
Near Brahmananda Rao Hospital,
P.O. Bellampalli, Dist. Adilabad.

—Petitioner.

And

1. The Supdt., of Mines/Colliery Manager,
RK.7 Incline, the Singareni Collieries Co. Ltd.,
Srirampur (P) Area, Dist. Adilabad.

2. The General Manager,
Singareni Collieries Co. Ltd.,
Post: Srirampur, Dist. Adilabad.

3. The Chairman and Managing Director,
The Singareni Collieries Co. Ltd.,
PO: Kothagudem, Dist. Khammam.

—Respondents.

This Industrial Dispute petition U/Sec. 2-A (2) of I.D., Act, coming on before me for final hearing on 26-09-2011, upon perusing all the documents on record and upon hearing the arguments of Sri B. Amarendra Rao, Advocate, for the petitioner and Sri D. Krishna Murthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A(2) of I.D. Act, 1947 seeking to set aside the dismissal order dt. 30-9-1997 passed by R-2 and direct the respondent company to reinstate the petitioner into service with continuity of service and other consequential benefits and full back wages.

2. The facts of the petition are that the petitioner was appointed as Floating Badli Filler in respondents company in the year 1989 and was posted work at K.K-2 Incline. Later he was transferred to SMG-I Incline, in the year 1990 and to RK-7. Incline in the year 1995. Subsequently after one year of service, the petitioner was promoted as Badli Filler in 1991 and discharged his duties to the utmost satisfaction of his superiors without any kind of blemish. He served the respondents company for more than 8 years loyally and sincerely.

3. And that while the petitioner was working in underground at SMG-IA Incline on deputation sustained injuries in the accident occurred in the underground. In the said accident, he dislodged support accidentally hit the petitioner in the middle of his back bone and his toes, causing grievous injuries and the petitioner was under accident sick list from 20-11-2003 to 30-11-2003. After fitness he worked hardly a week days and again the petitioner was in the sick list availed treatment at Company hospital for about 3 months. Due to the accident the petitioner was falling to frequent illness. As such he submitted his oral and written representations to the management about his frequent illness due to said accident resulting in less attendance. The management has been sympathetic consideration towards the petitioner because the very accident has occurred during course of employment and his performance was diminished as he felt frequent illness. The petitioner has been in sick due to back pain, jaundices and gastric problems and was getting treatment at Warangal. Owing to the same his attendance was very poor from the year 1993 onwards. Though the management

was having knowledge about the condition of the petitioner, management has issued charge sheet No. RK-7/97/204/871, dt. 16-4-1997 alleging misconduct under Company's standing order 25(31) that the petitioner was absent from duties from 19-8-1995 to 16-4-1997 and he was issued in a proforma type. The period of absence included all play-days and P.H.Ds., and that the petitioner submitted his explanation to the charge sheet along with his medical report pertaining to his avilment of treatment outside during the charge sheeted period and established the reasonable cause for his absence. But the enquiry officer with a pre-conceived and pre-determined mind conducted the enquiry without observing the principles of natural justice. The pleas of the petitioner were not taken into consideration. The petitioner successfully established his case and proved that the absence committed by him were only due to the medical grounds with all reports and documents. But the enquiry officer conducted the enquiry in a hasty manner only to be in the good looks of management and without considering the pleas of the petitioner and submitted one sided report to the management that the petitioner is guilty of misconduct of the charges levelled against him through the said charge sheet. The entire enquiry is false and the petitioner was not given fair opportunity to cross examine the management witnesses. Taking advantage of illiteracy of the petitioner, the enquiry officer with a pre-conceived mind, conducted the enquiry without explaining the procedure and obtained the thumb impression of the petitioner on blank white papers only to fit his pre-determined report. As such the enquiry proceedings submitted by the enquiry officer may please be declared as invalid.

4. And that the 2nd respondent without issuing any show cause notice against the enquiry proceedings to the petitioner straight away dismissed the petitioner *vide* Lr. No. SRP/P(IR)/35/97/2270, dt. 30-9-1997. As such the dismissal order is arbitrary, illegal, not maintainable under law and liable to be quashed in limini. Further the punishment given to the petitioner is shockingly disproportionate and lacks natural justice without considering the facts of the case and loyal and lengthy service put-in by the petitioner. Because of the dismissal from the company, the petitioner was thrown on to the roads and facing much difficulties in maintaining his large family. He belongs to a poor family and is the sole bread winner of his large family. Owing to dismissal from company, he along with his aged parents wife, and children thrown on the roads, causing mental agony to him and he could not get any other job inspite of his best efforts. Ever since his dismissal the petitioner is unemployed and incurred heavy debts to maintain his family. Therefore prays an award as above.

5. The respondent No.1 filed his counter denying all allegations in petition and the respondent No.2 & 3 filed memo adopting the counter of R-1.

6. The brief averments of R-1 of the counter are that it is a Government company incorporated under the provisions of Company's Act, 1956 for carrying out the business of winning and selling the coal and since the coal mining industry is a Central Subject the appropriate Government for the respondents/management is Central Government. The respondent submits that as per Sec. 7(A) (1) of I.D. Act, the appropriate Government may by notification in the official gazette constitute one or more Industrial Tribunals for the adjudication of Industrial Disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. And that the Central Government established Industrial Tribunal-cum-Labour Court at Hyderabad from 29-12-2000 for adjudication of Industrial Disputes and the petitioner ought to have approached the said Tribunal for the redressal of grievances, if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on this ground alone. And that maintainability of the dispute raised by the petitioner before this court may be decided as preliminary issue before proceeding with the try.

7. And that the petitioner failed to exhaust the concealing proceedings as laid down in the I.D. Act, and filed the petition under 2A(2) of I.D. Act, 1947 as amended by A.P. Amendment Act, 1987 (Act No. 32/1987). And that as appropriate Government was coal mining industry is the Central Government the State Amendment Act is not applicable to the respondent company and the petition filed by the petitioner is not maintainable under law and liable to be dismissed in limini.

8. And that the petitioner was appointed as Floating Badli Filler on 1-1-1989 and his promotion as Badli Filler is not due to satisfactory service, but only due to his seniority and that there is no record to show in the respondent company that the petitioner was met with an accident at SMG-I Incline and received injuries and there is no record to show that he availed medical treatment at respondent company's hospital for the said injuries.

9. And that the petitioner after receipt of charge sheet, submitted his explanation dt. 29-5-1997 stating that due to ill health, he failed to attend his duties and requested the respondents company to take him on duty assuring that he will not commit such mistakes in future. As his explanation was not found satisfactory, the enquiry was ordered. The petitioner was issued notice dt. 2-6-1997 advising him to attend enquiry on 4-6-1997 along with his witnesses and documents and the petitioner attended the enquiry on 4-6-1997. The enquiry officer explained the contents of charge sheet and procedure of enquiry to the petitioner. The petitioner has not chosen to take the

assistance of his co-workers during the enquiry and he fully participated in the enquiry and the opportunity was given to him to cross examine the management witness, but he failed to cross examine the management witness. And that the petitioner during enquiry in his statement admitted his guilt and stated that due to ill-health he failed to attend duties and requested the management to forgive for this time and to take him to duty. And that as the charges levelled against the petitioner during the enquiry, with a view to give final opportunity to represent against the enquiry report, the petitioner was served with show cause notice dt. 18-6-1997 to represent against the enquiry report duly enclosing the copy and the petitioner submitted his explanation dt. 24-6-1997. In his explanation he submitted that he failed to attend his duties due to ill-health and requested the respondents company to take him on duty.

10. And that as the petitioner failed to improve his attendance even after receipt of charges sheet and the representation is not satisfactory he was dismissed from service of the respondents company *vide* order dt. 30-9-1997 with immediate effect. And that the respondents company employs more than 86 thousand persons which includes workmen, Executives and Supervisors. The production results will be depend upon the overall attendance and performance of each and every individual. They are inter linked and insufferable. In this regard if any one remains absent without prior leave or without any justified cause, the work *i.e.*, to be performed gets effective. Such unauthorised absence creates suddenly void, which is very difficult to fill up and there will be no proper planning and already planned schedule gets suddenly disturbed without prior notice *i.e.*, reason why the respondents company is compelled to take sever action against the unauthorised absentees. In this instant case the petitioner is one such unauthorised absentee as such the respondents company was constrained to dismiss the petitioner for unauthorised absenteeism *vide* order dt. 30-9-1997 with immediate effect. Therefore prays to dismiss the petition with costs.

11. Heard both sides, perused the material papers on record.

12. Now the points that arises for consideration are:—

- (1) Whether the present petition is maintainable before this Tribunal?
- (2) Whether the charge framed against the petitioner is proved?
- (3) Whether the dismissal order dt. 30-9-1997, without issuing any show cause notice against the enquiry proceedings, straight away dismissing the petitioner is arbitrary, illegal, not maintainable, not justified and liable to be quashed in limini? And if so, the punishment awarded is disproportionate to the alleged misconduct. *i.e.*,

unauthorised absence from duty?

- (4) To what relief the petitioner is entitled?

13. No witnesses are examined on either side, but Ex. W-1 to Ex. W-3 are marked on behalf of the petitioner and Ex. M-1 to Ex. M-9 are marked on behalf of the respondents side.

14. POINT NO. 1

It is the case of the respondents that the respondents company incorporated under the provisions of Company's act 1956 for carrying out the business and selling the coal and since the coal mining industry is a Central subject the appropriate Government for this respondents/management is Central Government and that as per Sec. 7A(1) of I.D., Act, the appropriate Government by may its notification the official gazette constitute one or more industrial tribunals for adjudication of industrial disputes relating to any matter whether specified in the 2nd or 3rd scheduled and for performing such other functions as may be assigned to them under this Act. The respondents further submitted in their counter the Central Government established and industrial Tribunal-cum-Labour Court at Hyderabad on 29-12-2000 for adjudication of Industrial disputes and the petitioner ought to have approached the said tribunal for redressal of grievances if any. But the petitioner conveniently avoided to file his peition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on the ground and this issue may be decided as preliminary issue before proceeding with the trial.

15. On the other hand the case of the petitioner is that he can raise this I.D., before this Court under section 2(A)(2) of I.D., At. Through the respondents have taken the above plea of not maintainability of the I.D., before this Tribunal they have not placed any oral or documentary evidence to substatiate the said plea.

16. "Appropriate Government is described U/Sec. 2-A of the I.D., Act, 1947". According to Sec. 2-A one of the above Act, the Appropriate Government, by notification in the official gazette constitutes one or more Industrial Tribunals for adjudication of Industrial Disputes relating to any matter whether specified in 2nd or 3rd schedule. So, according to the above 2 provisions of law, this Tribunal is established. Admittedly the petition filed by the petitioner is covered by an Industrial Dispute.

In a case reported in 1998 (5) ALD-16 (D.B.) in a writ petition between U. Chinnappa Vrs. Cotton Corporation of India and others; the Division Bench of our High Court held—"we will assume that in so far as the dismissed or retrenched workman is able to approach the Labour Court straight-away, the power of the Central Government to make a reference of the dispute may be whittled down protanto

and in that sense there is a conflict or repugnancy with sub-section (2) of section 2(A) and Section 10(1) r/w sub-section (1) of section 2-A and Section 3 of the Act. Even then, the Presidential assent given under Article 254(2) makes the State law prevail over the provisions of the Central law to the extent of repugnancy." It also further observed Industrial Disputes Act, 1947, Section 2-A(2)—Not confined to workmen employed in Industrial undertaking of State Government—It applies also to workmen engaged in Central Government undertakings.

18. If the plea of the respondent is considered in the light of the above case law, it falls to the ground, because, Section 2-A(2) of I.D. Act, 1947 applies both to the workmen employed in Industrial undertakings of State Government and also to the workmen engaged in Central Government undertakings.

19. In other words, it can be said it is for the workman to approach U/Sec. 2-A(2) of I.D., Act, either to the Industrial Tribunals having Central jurisdiction and also the Tribunals having State jurisdiction.

20. In view of the above, I hold that this Tribunal is having jurisdiction to decide the industrial dispute on hand and the petition filed by the petitioner is maintainable. The point is answered accordingly.

21. POINT NO. 2 & 3:—

Under Ex.M-1 the charges framed against the petitioner is that he has remained absent from duty without sanctioned leave or sufficient cause from 21-8-1995 to 16-4-1997. This was issued by R-1 to the petitioner. It do not disclose as to who would conduct the enquiry, except asking the petitioner to attend before SRP(P) on 12-5-1997 at 9-30 A.M., Under Ex. M-2 the petitioner submitted his explanations to the charge sheet stating that because of his kidneys ulser, he could not attend to duty and requested to take to duty under Ex.M-3 & Ex. M-4 the petitioner was informed about the postponing of the enquiry, but under Ex. M-3 a copy of postponement notice addressed to the petitioner was marked to T.P.A. Premkumar to conduct the above enquiry. This marking of copy is under a manuscript, the respondent has not filed the served copy of Ex. M-3 to know whether the manuscript endorsement made under Ex. M-3 was also there on the copy served on the petitioner or not. Ex. M-5 is the enquiry proceedings conducted by T.P.A. Premkumar. In this proceedings the petitioner did not deny the charges and he admitted them. Ex. M-6 is enquiry report submitted to R-1 by the enquiry officer. Basing on this report Ex. M-7 notice was served on the petitioner sending him copy of the enquiry proceedings together with report giving him opportunity to make representation against the findings containing in the enquiry report.

22. The respondents are styling this Ex. M-7 as a show cause notice, but the perusal of the contents of this

document, it do not disclose the proposed punishment for the provided charges and requiring the petitioner to show cause why such proposed punishment should not be imposed against him. So this cannot be called as show cause notice. Even for this notice also the petitioner submitted Ex. M-8 representation stating that because of his ill-health he could not do duties and asking the management to take him to duty. Ex. M-7 is dt. 18-6-1997 when this Ex-7 is not a show cause notice as it do not disclose the proposed punishment, directly dismissing the petitioner from service under Ex. M-9 can be said as arbitrary, illegal and not maintainable under law and liable to be set aside. It also can be said, without issuing a show cause notice, removing the petitioner from service is not justified.

23. Ex. W-1 is the copy of Ex. M-9 both are one and the same i.e., copy of dismissal order.

24. Ex. W-2 shows that the petitioner brought out station sick certificate for the period 10-12-1995 to 13-11-1996 from the Medical Superintendent of the respondents' hospital at Ramakrishnapur certified that the petitioner is fit to resume his duty from 20-1-1997. Ex W-3 shows that the Medical Officer of the respondents hospital has certified that the petitioner was fit to duty from 4-6-1997. These two documents together shows the petitioner has produced medical certificates for his unauthorised absence except for 5 months, 19 days i.e., from 21-8-1995 to 10-12-1995. So, it shows the respondents have not considered these medical certificates submitted by the petitioner and straight away framed charges and issued charge sheet on 16-4-1997, that too, while the petitioner was undergoing medical treatment. So, without considering the medical certificates produced by the petitioner covering major part of his unauthorised absence, the enquiry conducted is not proper and the findings of the enquiry officer that the charge framed against the petitioner is provided is invalid and not justified.

25. While arguing the case, the counsel for the petitioner contended that this Tribunal can interfere with the punishment, if it is disproportionate to the proved guilty by giving its reasons. In support of this proportion, he relied on a decision report in 2009 (IV)-LLJ-672 (SC) between Chairman-cum-Managing Director, Coal India Ltd., and anothers and Mukul Kumar Choudhuri and others. When the Hon'ble Apex Court observed that regarding the punishment, the Supreme Court noted that doctrine of proportionality was a well recognised concept of judicial review in our jurisprudence. In the face of admission by the respondent of the charges and his resignation which was not accepted, it was pointed out that no reasonable employer would have imposed the extreme punishment of removal, in like circumstances. The punishment was unduly harsh and excessive. It was therefore held that denial of back wages for the entire period by way of punishment would be just and adequate.

26. Of course in the present case, the petitioners has not resigned for his job, but he admitted his guilt of unauthorised absence for the period mentioned in the charge framed against him, because of his ill-health and for taking treatment. So the respondent being a reasonable employer ought not have imposed against the petitioner the extreme punishment of removal from service. Therefore it can be rightly said the punishment awarded by the respondent against the petitioner for his unauthorised absence inspite of his admitting the charges and producing the medical certificates covering major part of the charge, I am under the considered opinion, in the light of the above cited case law, the punishment is unduly harsh and excessive.

27. On the other hand the counsel for the respondents submitted the termination from service on the grounds of continued absence from duty under the standing orders does not amount to retrenchment. When such order of termination was made after giving notice to the employee, it is not liable to be challenged. Therefore the said termination order cannot be said unreasonable and there is no ground for interference of this court. In support of this argument, he relied on a decision reported in 2002(1)ALD-314 (DB) between Thimmiah Vs., Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad and another. The facts of the above case are quite different to the facts of the present case. In the present case, the petitioner admitted the charges, produced medical fitness certificates for his unauthorised absence and offered his explanation for his unauthorised absence. Whereas in the above reported case, the petitioner therein, despite receiving 2 memos did not bother to report for duty nor offered any explanation for his unauthorised absence and the services of the petitioner therein were terminated by the management by invoking the enabling certified standing orders and the said standing orders are extracted in the memo issued by the management. So in those circumstances, the termination of the petitioner from service squarely false within ambit of sub-clause (bb) of clause (oo) of Sec. 2 of the Act. This was observed by the Hon'ble High Court in the above reported case and held the termination from service on the ground of continued absence from duty under the standing orders does not amount to retrenchment. When such order of termination was made after giving notice to the employee, it is not liable to be challenged.

28. So, in view of the different facts and different circumstances in between the present case and in the above reported case, therefore, the decision in the above reported case is not applicable to the facts of the present case.

29. In the light of the above foregoing discussion, I hold the charge framed against the petitioner is not proved and the dismissal order dt. 30-9-1997 is arbitrary, illegal, not maintainable, not justified and liable to be set aside.

30. I further hold that the punishment of removal from service is not proportionate to the unauthorised absence from duty by the petitioner. The points are answered accordingly.

31. POINT NO. 4:—

In the light of the discussions under points No. 1 to 3 and in the light of my findings, I hold the petitioner is entitled for the relief prayed for in his I.D., petition without back wages.

32. In the result, the I.D., is allowed and the dismissal order dt. 30-9-1997 passed by the 2nd respondent against the petitioner is set aside and the respondents are directed to reinstate the petitioner into service with continuity of service and other consequential benefits, but without back wages, within one month from the date of gazette publication of this award. In the circumstances, each party do bear their own costs.

Typed to my dictation directly by Typist, corrected and pronounced by in the open court on this, the 14th day of October, 2011.

M. SYAMALARAO
Chairman-cum-Presideing Officer

Appendix of Evidence

Witnesses Examined

For workman:	For Management:—
-Nil-	-Nil-

EXHIBITS

For workman:—

Ex.W-1 Dt. 30-09-1997

Ex.W-2 Dt. 18-01-1997

Ex.W-3 Dt. 09-06-1997

For Management:—

Ex.M-1 Dt. 16-04-1997

Ex.M-2 Dt. 29-05-1997

Copy of dismissal order of petitioner

Letter issued to the Supdt. of Mines, RK-7 Incline by the Medical Superintendent, Ramakrishnapur area Hospital that the petitioner is fit to resume his duty.

Fit. certificate No. OP. 109 slip issued to the petitioner by the Medical Officer, Area Hospital, SCCL, Bellampalli

Charge sheet office copy

Reply to the charge sheet

Ex.M-3 Dt. 26-05-1997 Enquiry Notice
 Ex.M-4 Dt. 02-06-1997 Enquiry Notice
 Ex.M-5 Dt. 04-06-1997 Enquiry proceedings
 Ex.M-6 Dt. 06-06-1997 Enquiry report
 Ex.M-7 Dt. 18-06-1997 Show cause notice office copy
 Ex.M-8 Dt. 24-06-1997 Explanation to the show cause notice
 Ex.M-9 Dt. 30-09-1997 Dismissal order office copy

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न-2 धानबाद के पंचाट (संदर्भ संख्या 45/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[सं. एल-22012/94/1996-आई आर (सी-(II))
 डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th November, 2011

S.O. 3542.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 45/97 of the Central Government Industrial Tribunal-cum-Labour Court No-2, Dhanbad* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *FCI*, and their workman, which was received by the Central Government on 15/11/2011.

[No. L-22012/94/96-IR (C-II)]
 D.S.S. SRINIVASARAO, Desk Officer

**ANNEXURE
 BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

PRESENT

Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

REFERENCES NO. 45 of 1997

PARTIES : Employers in relation to the management of Food Corporation of India, Patna and their workman.

APPEARANCE:

On behalf of the workman : None

On behalf of the employers : Mr. Sarfraj Khan,
 Area Manager, FCI.
 State: Jharkhand Industry : Food.
 Dated, Dhanbad, the 10th October, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-22012/94/96-IR (C-II) dt. 14.3.97.

SCHEDULE

"Whether the action of the management of FCI, Patna in terminating the services of Sh. Awadesh Prasad Singh, Casual/daily rated worker, is legal and justified? If not, to what relief the workman is entitled?"

2. The case of the sponsoring Union is that workman Awadesh Prasad Singh was though initially employed as water Carrier w.e.f. 06.02.1981 by the Management of Food Corporation of India (F.C.I.) at Storage Depot Madhepura, yet his services were being utilised against the job of Subordinate Cadre as Messenger, Watchman, Peon, Sweeper, Shifter etc. on priority. He was not allowed to sign for his attendance on the Attendance Register, rather his attendance was maintained by the Depot-in-Charge an confirmed Category III employee of the concerned Depot by putting 'A' & 'P' (for absent and present respectively). His salaries were regularly and occasionally paid to him once in a month through Monthly bills on acquittance Roll from contingent fund of the depot. In response to the D.O. letter dt. 2.5.86 issued by the Management of F.C.I., New Delhi (H.Q.) on persuasion of the Union, and even its reminder letter dt. 9.11.86 as called for, the name of more than two hundred casual/daily rated employees were sent by Bihar Region itself to H.Q., New Delhi for its approval of the Board of Directors. The Board at its 176th meeting held on 24.2.87 decided to regularise the services of these casual/daily rated employees against entry level Cat. III & IV post according to their qualifications who had completed three months continuous service on or before 02.05.86. The same decision was conveyed to all Sub-ordinate Office as per H.Q. letter under Ref. No. BP-1(4)/86-Vol.II dt. 06.05.87, according to which the F.C.I., Bihar Region has regularised the services of more than one hundred casual/daily rated employees including his juniors employees as Watchman, descreminating the workman despite his fulfilling of all the conditions as per the aforesaid letter. He though had very sincerely, honestly and continuously served the Corporation since his employment from 06.02.1981 yet was orally but illegally terminated from his job w.e.f. 17.10.1990

without any notice, pay or compensation to him under Sec.25F of the I.D. Act, 1947 resulting in affecting his family, as in rendering his age bar securing any job elsewhere. The action of the management is unjustified, so the workman is entitled to reinstatement with full back wages and benefits equal to that of the regular Class IV staff for the period from 06.02.1981 to 16.10.1090.

3. The Union/workman in rejoinder specifically denying the allegations of the Management has alleged that the records of District Office Purnea were not checked for employment of the workman. The District Manager, F.C.I. Purnea letter Ref. No.LC.1(47)/2223-80-81 dt. 08.11.85 to the Sr. Regional Manager F.C.I. Patna forwarded by the aforesaid D.M. FCI Purnea to Sr. R.M. on 07.02.95 falsifies the statement of the Management about unfiguring the name of the workman in the vouchers of the casual worker at F.S.D. Madhepura. The alleged non-existence of employer and employee relationship between both the parties is a connection, as the workman has worked as per scheduled time and place under the District Control of the Management. The workman has performed the work of the F.C.I. and not the personal work of the Depot Incharge, whether the District Manager approved or sanctioned or not is immaterial. An Industrial Dispute has no limitation for its reference.

4. Whereas categorically refuting all the allegations of the Union for the workman, the case of the Management is that there is no record relating to employment of this workman at Patna R.M. Office or in any F.S.D. under the jurisdiction of District Manager, F.C.I., Purnia. The name of the workman did not figure in any payment voucher of casual worker of F.S.D. Madhepura. The payment vouchers of casual workers or one appointed as Water Carrier are passed by the District Office where their one copy is kept and payment is released to the F.S.D. Incharge for distribution of the wages to the casual workers as per their attendances put by them. The present reference in lack of no employer-employee relationship is liable to be rejected. Nor the workman concerned even worked as Water Carrier or in any capacity at F.S.D. Madhepura with approval and sanction of the District Manager, F.C.I., Purnia nor payment was released in his favour therefrom. If he was ever engaged in any capacity by the Depot Incharge, the Clerk Grade-II or Grade-I at any time without any authority, and was unauthorisedly paid any amount, his claim for employment under the Manager is unsustainable. A claiming such claim by the sponsoring Union for the workman before the Conciliation Officer is based on the absolutely false documents allegedly under the signature of the then Depot Incharge which are quite probably fabricated in connivance with the then Depot Incharge, who already retired from his service.

5. The Management in its rejoinder has stated that all the statements in behalf of the workman are based on

fiction, since he neither was employed, nor worked at F.S.D. Madhepura under District Manager, F.C.I. Purnia forwarding of his case to the RO/Zo or Head Quarter for regularisation as per the Circular dt. 6.5.87 had no scope.

FINDING WITH REASONING

6. In this case WW-1 Awadesh Pd. Singh, the workman himself, and MW-1 S.L. Sharma, the then Assistant Grade-II Depot Madhepura, as Head Incharge and MW-2 Ramesh Kr. Sinha, Asstt. Manager (Quality Control), F.C.I. as Technical Assistant Gr. I posted at Madhepura Depot in the year 1996 in behalf of the Management have been examined.

On going through the materials of both the parties as available on the case record, I find that WW-1 Awadesh Pd. Singh, the workman himself has though stated to have started to work as Casual Worker in the office Shed as well as of quality control whenever required as per oral direction of Saha Babu, the Depot Incharge from the year 1981 while Sri S.L. Sharma was the Shed Incharge, the Management continuously used to pay wages on monthly basis. He (WW-1) also claims to have worked under the Management for more than 240 days as a casual worker. In support of his claim the Xerox copies of documents Marked Ext. W-1 series on consent of the Management. According to him, he as orally ordered by the Management to stop work in the year 1990 without any notice.

7. The Statement of MW-1 S.L. Sharma, the Assistant Grade II Depot posted at Madhepura depot of F.C.I. since 1983 working as the Head Incharge, is that he knew the workman who used to work in the depot as casual worker time to time; He worked under Technical Assistant who prepared his bill, and he (MW-1) as the depot Incharge signed all the bills of all casual workers; and that she workman was stopped work in the year 1990 as per recalled.

The Statement of MW-2 Ramesh Kr. Sinha (the Asstt. Manager, F.C.I. Mokama) during his tenure as Technical Asstt. Gr.I in the year 1996 proves his ignorance of whether the workman worked at Madhepura Depot or not, but affirmatively asserted that no question of his appointment and dismissal arises, as he worked absolutely on daily rated basis, and was not on regular appointment. He has proved the payment statement of some workmen (the photo copy thereof) as Ext. W-2 under his countersignature. The Manager used to provide casual worker to work at Depot in exigency. The Statement of Payment of casual worker (Ext. W-2) is related to for the month of Nov., 1983 which proves the workman Awadesh Singh had worked only two full days @ Rs. 10.34/- per day from 7th to 8th November, 1983.

8. On the close study of Extt. W-1 series (all photo copies of the documents of both the parties proved on formal proof), I find the following facts:-

- (i) As per the character certificate dt. 19.10.90 (Extt. W-1/3=1/66 both same) issued by the Asstt. Depot Superintendent concerned to workman Awadesh Singh, he was engaged as Casual Water Carrier since 6.2.81 at F.S.D./F.C.I Madhepura, whereas the F.C.I. (Food Storage Depot), Madhepura (Bihar)'s letter dt. 8.4.85 (a hand written one—Extt. W-1) to the District Office concerned relates to under Sl. No. 3 Sri Awadesh Singh was finally engaged in April, 1984 for total 88 days. Accordingly the Bill (Extt. W-2) for November, 1983 denotes the workman to have worked for 2 full days on the 7th and 8th November, 1983.
- (ii) As per the Bill (Extt. W-1/4) for payment of Casual Labour Nov., 1985 under Sl. No. 4, the workman worked 1 day full at the rate of his three times casual engagement on 2.11.85 for H.Q. work.
- (iii) The casual monthly bills (Extt. W-1/5—) indicates that the workman worked for 23 in April, 1988, 16, 18, 18 & 20 days in Sept. to December, 1989 and 19, 17, 18, 21 20, 21, 18, 21 & 20 days in Jan. to Sept., 1990 at H.Q.

None of the documents nor the workman Awadesh Prasad Singh as noted in the reference as contrasted with aforesaid Awadesh Singh has proved that he had completed these months continuous service with requisite qualifications or before 02.05.86 (Circular No. 28/1986) as per the F.C.I, H.Q. New Delhi confidential letter dt. 06.05.1987, 24.08.92, 10, 1993 and 01.11.92 (Extt. W-1/41 to 44 respectively). Rather, according to District Office Purnea's statement (Extt. W-1/20) and D.M., F.C.I Purnea's letter dt. Nil (Extt. W-1/21) prove non-consideration of case of Awadesh Singh with others due to non-receipt of particulars number, dates of birth, working time, age at initial engagement, whether completed 3 month or as on 02.05.86, qualification all Nil was unconsidered by the management.

9. Moreover, the alleged workman has neither pleading nor proof of his continuous service under the Management for 240 days in a calendar year or even 3 months complete service as on 02.05.1986. For termination amounting to retrenchment, there should exist master-servant relationship between employer and workman. Where there is no appointment as per the rules there cannot be a legal relationship of master and servant between the employer and the workman. Where workman is not appointed by competent authority, there cannot be a valid and legal relationship of master and servant between that establishment and the workman as held in the case of Koodamji Service Co-operative Bank Ltd. V. M. M. Lissy 1993 (67) F.L.R. 1039 (Ker). So no question of termination of the workman of its notice under S. 25F of the Industrial Dispute Act, 1947 to him arisen in this case.

On consideration of all the aforesaid facts and law, it is held that since the alleged workman Awadesh Prasad Singh as Awadesh Singh was not in continuous service for the period of twelve calendar months in a year under Sec. 25.B(2) of I.D. Act, 1947 or even for three months as on 02.5.1986 as per rules of the Management no question of action of the Management for alleged termination of his service ever arose or arises. Therefore, the workman is not entitled to any relief. Accordingly it is awarded.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 15 नवम्बर, 2011

का. आ. 3543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबपुर के पंचाट (संदर्भ संख्या 7/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 11 2011 को प्राप्त हुआ था।

[सं. एल-42012/39/2005-आई आर (सी एम-II)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th November, 2011

S.O. 3543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 7/2006 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of Jawahar Navodaya Vidyalaya, and their workmen, received by the Central Government on 15.11.2011

No. L-42012/39/2005-IR (CM-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

PRESENT
N.K. PUROHIT
PRESIDING OFFICER

I.D. 7/2006

Reference No. L-42012/39/2005-IR (CM-II)
dated: 6.12.2005

Shri Rambharos Saharia
S/o Ghasi Lal
Through Joint Secretary
H.M.S. Bengali Colony,
Chhawani, Kota (Raj.)

V/s

The Principal,
Jawahar Novodaya Vidyalaya
Atru, Distt.: Baran (Raj.) 325218

AWARD

11.10.2011

1. The Central Government in exercise of the powers conferred under clause (d) of sub section 1&2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication which is as under:—

"Whether the action of the Principal, Jawahar Navodaya Vidyalaya, Atru, Distt.: Baran-325218 (Raj.) in terminating the services of Sh. Ram Bharos S/o Sh. Ghasi Lal w.e.f. 1.12.2003 is legal & justified? If not, to what relief the workman is entitled to?"

2. Upon perusal of the record, it appears that claim statement on behalf of the workman was filed on 14.2.2006 & reply to it was filed on 18.4.2006. It also appears that an application dated 18.4.2006 on behalf of the non-applicant was moved whereby preliminary objection was raised that since the non-applicant is not an 'Industry' as defined u/s 2-J of the I.D. Act, the claim of the workman is not maintainable & reply to the said application was filed on 19.3.2010. On the said date the workman also filed his rejoinder against the reply filed by the non-applicant.

3. At the stage of workman's evidence the workman did not appear on 28.5.2010 & 22.7.2010. Adjournments were sought on behalf of the workman for filing affidavit in evidence & arguments on application. On subsequent dates i.e. 15.9.2010 & 16.11.2010 again non appeared on behalf of the workman therefore, an order was passed on 16.11.2010 for proceeding ex-party against the workman. On subsequent dates 6.1.11, 14.3.11, 26.5.11, 20.7.11, 9.8.11, 29.9.11, none appeared on behalf of the workman. On 4.10.11 the representative on behalf of the non-applicant submitted that since the workman has not adduced any oral or documentary evidence to substantiate his claim statement therefore, the non-applicant also does not want to lead any evidence. Thus, case was reserved for passing award.

4. The learned representative has submitted that since the workman has not adduced any evidence, "No Claim Award" may be passed.

5. Initial burden was on the workman to substantiate his claim on the basis of evidence but after filing claim statement & rejoinder he did not adduce evidence. Only claim statement & reply denying the claim are on the record. There is no other material on record to decide the matter on merits. It appears that the workman is not willing to contest the case further.

6. Under these circumstances "No Claim Award" is passed in this matter. The reference under adjudication is answered accordingly.

7. Award as above

N.K. Purohit, Presiding Officer

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ~~उक्त~~ सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 244/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 11 2011 को प्राप्त हुआ था।

[सं. एल-22012/28/2000-आई आर (सी-II)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi., the 15th November, 2011

S.O. 3544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 244/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the Management of WCL and their workmen, received by the Central Government on 15/11/2011

[No. L-22012/28/2000-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer.

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/244/2000

Date: 14.10.2011

Party No. 1 : The Sub Area Manager,
Durgapur open Cast Sub Area of
Western Coalfields Ltd., PO:
Durgapur, Distt. Chandrapur (M.S.)

VERSUS

Party No. 2 : The President,
Lal Zanda Coal Mines Mazdoor Union
Br. Bengali Camp, Mul Road, PO &
Distt. Chandrapur (M.S.)

AWARD

(Dated 14th October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employees, in relation to the

management of the Sub Area Manager, Durgapur Open Cast of WCLO and their workman Shri R.K. Gomase, for adjudication, as per letter No. L-22012/28/2000-IR(CM-II) dated 04.08.2000, with the following schedule:—

"Whether the action of the management namely Sub Area Manager, Durgapur Open Cast Sub Area of Western Coalfields Ltd., in dismissing Sh. R.K. Gomase, Ex-Dumper operator, Durgapur Open Cast Sub Area of WCL, is legal and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri R.K. Gomase, ("the workman" in short) through his union, "Lal Zanda Coal Mines Mazdoor Union," ("the union" in short) filed the statement of claim and the management of Sub Area Manager, Durgapur Open Cast of WCL ("party No. 1" in short) filed the written statement.

The case of the workman as projected by the union in the statement of claim is that the workman was appointed as a Dumper operator in Durgapur Open Cast Mine of WCL, on 31.01.1989 and his service record was clean and unblemished and while working as such, the charge sheet dated 23.09.1998 was issued against him on the allegation of causing grievous injury to one N.R. Ragelwar, operator, by negligent driving of Dumper on 20.09.1998 and he denied the charges leveled against him and in the departmental enquiry, he was not given reasonable opportunity to defend himself and the entire enquiry was conducted in violation of the principles of natural justice and copy of the proceedings was not supplied to him and the enquiry officer based his findings merely on the basis of suspicion, without their being any clinching evidence against him and the Disciplinary Authority failed to consider the contention raised by him and mechanically passed the order of dismissal from service and the dismissal order dated 03.06.1999 is arbitrary and bad in law and is required to be set aside in the interest of justice.

Prayer has been made to quash and set aside the impugned order of dismissal from service dated 03.06.1999 and to reinstate the workman with continuity in service and full back wages.

3. The party no. 1 has pleaded in the written statement *inter-alia* that the workman was employed as operator group 'B' at Durgapur Open Cast Mine, before being dismissed from service and on 20.01.1998, while he was on duty in the 1st shift and operating R-35 Terex Dumper no. 955, at about 1.50 P.M., he caused a serious accident by driving the dumper negligently and thereby causing the death of his colleague, N.R. Ragelwar and on account of the same, charge sheet dated 23.09.1998 was issued against him and he was placed under suspension, pending enquiry

and the workman was asked to submit his explanation within three days of receipt of the charge sheet and he submitted his explanation *vide* his letter dated 26.09.1998, denying the charges and as his explanation was found not satisfactory, for making enquiry into the charges, Shri U.R. Bagade was appointed as the enquiry officer and the enquiry officer started the enquiry on 27.10.1998, after due notice to the workman and the enquiry was closed on 05.11.1998, in the tenth sitting, with the consent of both the parties and the enquiry was conducted by observing the principles of natural justice and the workman was given full opportunity to put up his defence and he was also allowed the assistance of a co-worker and the enquiry officer submitted his report to the Suptd. of Mines Manager, Durgapur Open Cast Colliery on 04.02.1999, holding the charges to have been proved against the workman and while writing his report and recording the findings, the enquiry officer analyzed the evidence of the parties adduced in the enquiry in a dispassionate and objective manner and arrived at a rational and logical finding and the report is not based on any extraneous consideration and a copy of the enquiry report was furnished to the workman, *vide* letter dated 11.05.1999 of the Suptd. Mines Manager, asking him to submit his representation, if any, within three days of the receipt of the same and the workman submitted his written representation on 11.05.1999 and as the same was found not satisfactory and as the charges proved against the workman in a properly conducted departmental enquiry were very serious in nature, he was dismissed from services on 03.06.1999 and the punishment is an appropriate punishment and as such, the workman is not entitled to any relief.

4. The validity of the departmental enquiry was decided as a preliminary issue, as this is a case of dismissal from services of the workman, after holding a domestic enquiry and by order dated 08.05.2007, the enquiry was held to be legal and proper and in accordance with the principles of natural justice.

5. In the written notes of argument, it was submitted by the learned advocate for the workman that the findings of the enquiry officer show that he has heavily relied upon two documents, copy of spot panchanama and copy of dying declaration received from the police department and those two documents were admitted in evidence and marked as exhibits in the departmental proceedings and the workman had no opportunity to cross-examine the presenting officer in the matter and as such, it can be held that the findings of the enquiry officer are based on extraneous and unproved documents and the said police papers were part of the criminal proceeding and the workman was fully exonerated from the Criminal offence by the JMFC, Chandrapur and the Disciplinary Authority, while accepting the findings of the enquiry officer, failed to observe that the enquiry officer had relied on the report

made by the Director of Mines Safety, the bare perusal of which, it can be found that the workman had already been held guilty, even before conclusion of the enquiry and the workman had no opportunity to meet the conclusions made therein and the order of dismissal, based on such extraneous and bias report is wholly illegal and arbitrary. It was further submitted that this is a case of no evidence and there was absolutely no eye witness to substantiate the charges leveled against the workman and conclusions were drawn on the basis of the circumstantial evidence, which consisted of the primary report submitted by the Director of Mines, copy of spot panchnama and dying declaration issued by the police department, against which, workman had no opportunity to defend himself and a criminal proceeding was initiated against the workman on the same set of facts and evidence and the departmental proceeding and the criminal case were based on identical and similar set of facts and evidence and the workman was acquitted by the court of JMFC, Chandrapur from the criminal case by judgment dated 12.12.2005 and as such, the order of punishment passed against the workman in the departmental proceeding is bad in law and cannot be sustained.

In support of such contention, reliance was placed by the learned advocate for the workman on the decision reported in 2006 (2) SC Service Law Judgments-481 (G.M. Tank Vs. State of Gujarat).

6. Per contra, it was submitted by the learned advocate for the party no. 1 that in the enquiry, the spot panchnama and death certificate and (not dying declarations was alleged) were filed by the management representative on 04.11.1998 in presence of the workman and his co-worker and those documents were admitted in evidence and marked as exhibits without any objection, from the side of the workman and the co-worker of the workman also was also permitted asked to put questions to the management representative on those two documents, but the co-worker of the workman did not ask any question to the management representative but on the other hand asked him to produce witnesses and as such, it cannot be said that the workman had no opportunity to cross-examine the management representative and therefor, the submissions made on behalf of the workman in this regard are far from the truth and the said facts do not go against the principles of natural justice. It was further submitted that panchnama and death certificate are legal documents and their admissibility in the departmental enquiry was not against the law and the enquiry officer did not go beyond the records of the proceedings and documents filed during the course of the enquiry.

It was further submitted by the learned advocate for the party no. 1 that the report of Director of Mines Safety was introduced during the cross-examination of the workman in the departmental enquiry and the workman did

not object to its filing and being asked by the enquiry officer, he confirmed the receipt of the said report and as a rebuttal to the same, he filed his reply, which he had given to the Director General of Mines Safety ("the D.G.M.S" in short) and the D.G.M.S. is a Statutory Authority under the Government of India to enforce Mines Act and Regulations framed by the parliament and it is an independent agency of the Government and the agency is required to make its own investigation in the event of mining accidents and the DGMS made investigation of the accident caused by the workman inside the mine premises and such investigation revealed that the workman had acted in contravention of Coal Mines Regulation 1957 and therefore, he was asked to explain the conduct and the workman replied to the DGMS vide letter dated 13.10.1998 and the enquiry officer analysed the entire evidence adduced before him by the parties thread bare and he has given reasonings in support of his findings, based on the evidence and he has referred about the report of DGMS at the fag end of his report and the enquiry officer did not hold the workman guilty, only on the basis of the report of DGMS and the documents became part of the proceedings and not extraneous factor and as such, the report of the enquiry officer cannot be said to be perverse or illegal or biased. It was further submitted by the learned advocate for the party no. 1 that it is clear from the evidence of shri Chandankm hede, who was examined as a witness by the management in the enquiry that he was a eye witness to the occurrence and there are strong circumstantial evidence on record to prove the charges against the workman and as such, there is no force in the contention raised by the learned advocate for the workman that this is not a case of no evidence. It was also argued that the acquittal of the workman in the criminal case was on 12.12.2005, whereas the order of dismissal was on 03.06.1999, much prior to the acquittal in the criminal case and the facts and circumstances and evidence of the criminal case and the departmental enquiry were not the same and witnesses examined in both the proceedings were different and the decision cited on behalf of the workman has no application and it is clear from the materials on record that the findings of the enquiry officer are not perverse and the punishment is not shockingly disproportionate to the charges and the charges are very serious and the same have been proved against the workman in a properly conducted departmental enquiry and therefore, the punishment of dismissal was perfectly legal and justified. In support of such contentions, reliance has placed on the decisions reported in 1996 LAB. I.C. 462 (b.C. Chaturvedi Vs. Union of India), 2003 LAB I.C. 4158 (V. Ramana Vs. APSRTC), 2005 LAB I.C. 854 (Bharat Forge Vs. Uttam Manohar) and 2005 LLR 360 (Mahindra and Mahindra Ltd. Vs. N.B. Naravade)

7. First of all, I will take up the submission made by the learned advocate for the workman that the charges leveled against the workman are fully demolished by his

subsequent acquittal by the criminal court. In this regard, the learned advocate for the workman placed on the decision of the Hon'ble Apex Court reported in 2006 (2) (SC) Services Law Journal-481 (Supra). The Hon'ble Apex Court in the said decision have held that, "Constitution of India, Article 311-Prevention of corruption Act, 1947 - Section 5 (1) & (5) - Dismissal - Charge of having assets disproportionate to his known source of Income-Criminal Proceedings and departmental proceedings initiated on identical set of facts and similar charge-Employee concerned found guilty in departmental enquiry-Dismissed from service-Acquitted in criminal case-Evidence and witnesses in departmental and criminal proceeding were same-Impugned order of dismissal from services quashed."

However, judging the present case at hand with the touch stone of the principles enunciated by the Hon'ble Apex Court in the above decision, with respect, I am of the view that the said decision has no application to this case, as the facts and circumstances of the case are quite different from the facts and circumstances of the case referred in the said decision.

On perusal of the charges of the criminal case initiated against the workman and the charges in the Disciplinary proceeding, it is found that the same are not the same. The witnesses examined in both the proceedings are also different. Moreover, the order of dismissal was passed on 03.06.1999, whereas the order of acquittal in the criminal case was passed on 12.12.2005, about six years after passing of the order of dismissal. Moreover, it is found from the judgment of the criminal case that as prosecution failed to produce the witnesses, the learned court acquitted the workman, whereas, in the departmental enquiry, necessary witnesses were examined. Hence, I do not find force in the contention raised by the learned advocate for the workman.

8. Before delving into the arena of consideration of the other submissions made by the parties, I think it quite apposite to mention about the judgment of the Hon'ble Apex Court as reported I 2005 (7) SCC 764 (Ajit Kumar Nag Vs. General Manager (PJ), Indian Oil Corporation Ltd.), which has been referred to in the decision mentioned above. The Hon'ble Apex Court have held that:

As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the corporation from taking an action if it otherwise permissible. In our judgment, the law is fairly well settled.

Acquittal by a criminal court would not debar an employer from exercising power in accordance with Rules and Regulations in force. The two proceedings criminal and departmental are entirely different. They operate in different fields and have different objectives. Whereas the object of a criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to

deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused "beyond reasonable doubt", he cannot be convicted by a court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of "preponderance of probability". Acquittal of the appellant by a judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the corporation. Therefore, the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside, cannot be upheld."

The judgment of (Ajit Kumar Nag Vs. G.M. (PJ) (Supra) is a judgment of a Bench of three Hon'ble Judges of the Hon'ble Apex Court and squarely applies to the present case at hand.

9. So far the contentions raised by the learned advocate for the workman that the enquiry officer has based his report on extraneous materials and therefore the same is perverse and that this is a case of no evidence and as such, interference can be made in regard to the punishment are concerned, after going through the evidence on record including the documents relating to the departmental enquiry, I find that there is no force in the said contentions. The three documents *i.e.* the spot panchnama, death certificate (not dying declaration as alleged on behalf of the workman) and report of the director General of Mines Safety were tendered in evidence during the departmental proceeding in presence of the workman and his co-worker and they were admitted in evidence without any objection from the side of the workman and as such, referring about the said documents by the enquiry officer in his report cannot be held to be placing reliance on extraneous materials.

It is also found from the record of the departmental proceedings that M.W.1, Chandankhede has been examined as an eye witness to prove the charges leveled against the workman. It is also found that there was strong circumstantial evidence against the workman. So, the findings of the enquiry officer, basing on such evidence cannot be said to be perverse. It is clear from the material on record that this is not a case of no evidence.

The punishment of dismissal from services passed against the workman also cannot be said to be

disproportionate to the grave misconducts committed by the workman and which have been proved in a properly conducted departmental enquiry. Hence, there is no question of interference with the punishment. Hence, it is ordered:—

ORDER

The action of the management namely Sub Area Manager, Durgapur Open Cast Sub Area of Western Coalfields Ltd., in dismissing Sh. R.K. Gomase, Ex-Dumper operator, Durgapur Open Cast Sub Area of WCL, is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3545—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एण्ड जयपुर प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 23/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2011 प्राप्त हुआ था।

[फा सं-12011/69/2008-आईआर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th November, 2011

S.O. 3545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 23/2009 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Jaipur* as shown in the Annexure, in the industrial dispute between the management of *State Bank of Bikaner & Jaipur* and their workmen, received by the Central Government on 15/11/2011.

[No.-L-12011/69/2008-IR(B-I)]

RAMESH SINGH, Desk Officer

अनुबंध

**केन्द्रीय सरकार औद्योगिक अधिकरण एवं त्रय न्यायालय,
जयपुर**

सीजीआईटी प्रकरण सं 23/2009

**श्री एन के पुरोहित
पीठासीन अधिकारी**

विज्ञप्ति सं (रेफरेन्स नं L-12011/69/2008-IR (B-I)

दिनांक 1/07/2009

The General Secretary,
Rajasthan State Bank Emp. Welfare Forum,
Chaturvediu Bhavan, Indra Colony,
Alwar. (Raj.)

V/s

The Dy. General Manager,

State Bank of Bikaner & Jaipur,

C-54, Sarojini Marg, C-Scheme,

Jaipur. (Raj.)

प्रार्थी की तरफ से : एक-पक्षीय कार्यवाही

अप्रार्थी की तरफ से : श्री आर के जैन

पंचाट

दिनांक 20/10/2011

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम 1947 की धारा 10 की उपधारा के खण्ड (घ) के प्रवधानों के अन्तर्गत उक्त आदेश के जरिए न्यायनिर्णयन हेतु प्रेषित किया गया था।

"Whether the action of the management of State Bank of Bikaner & Jaipur through Branch Manager, Alwar is not giving the permanent status of part-time sub-staff to Shri Jitendra Bhargava as per existing scheme of the bank, is just and fair? If not, what relief the workman is entitled to and from which date?"

प्रार्थी द्वारा दिनांक 29/04/2010 को क्लेम स्टेटमेन्ट प्रस्तुत किया गया। दिनांक 4/8/2010 को प्रत्युत्तर दस्तावेजात प्रस्तुत करने के लिए तारीख निश्चित की गई थी, लेकिन प्रार्थी ने प्रत्युत्तर एवं दस्तावेजात प्रस्तुत नहीं किये व उक्त तिथि को प्रार्थी ने एक प्रार्थना-पत्र अप्रार्थी से दस्तावेजात तलब करवाने हेतु प्रस्तुत किया। प्रार्थना-पत्र पर बहस हेतु निश्चित तिथि 23/05/2010 को प्रार्थी यूनियन की तरफ से कोई उपस्थित नहीं हुआ अतः अप्रार्थी के विरुद्ध एक-पक्षीय कार्यवाही का आदेश पारित किया गया। प्रार्थी उसके बाद की तिथियों 21/7/2010, 3/10/2011 एवं 19/10/2011 को भी उपस्थित नहीं हुआ।

अप्रार्थी को साक्ष्य प्रस्तुत करने का अवसर दिया गया लेकिन कोई साक्ष्य प्रस्तुत नहीं की।

अप्रार्थी प्रतिनिधि को सुना गया। पत्रावली का अवलोकन किया गया।

अप्रार्थी ने प्रार्थी के क्लेम को अस्वीकार किया है, यह सिद्ध करने का प्रारंभिक भार, प्रार्थी पर था कि वह अप्रार्थी बैंक में पार्ट-टाइम सब-स्टाफ का स्थायी 'स्टेटस' पाने का हकदार है। प्रार्थी ने अपने क्लेम के समर्थन में उपस्थित होकर, कोई मौखिक या प्रलेखित साक्ष्य प्रस्तुत नहीं की है, कोई प्रलेखित एवं मौखिक साक्ष्य अभिलेख पर न होने के कारण विचाराधीन प्रकरण का गुणावगुण के आधार पर न्यायनिर्णयन किया जाना संभव नहीं है। ऐसा प्रतीत होता है कि प्रार्थी यूनियन का इस मामले में अब कोई दिलचस्पी नहीं रही है। उक्त परिस्थितियों में 'नो-क्लेम अवार्ड' पारित किया जाता है। निर्देश का उत्तर तदनुसार दिया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे।

एन० के० पुरोहित, पीठासीन अधिकारी

नई दिल्ली, 15 नवम्बर, 2011

का०आ 3546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 37/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार 15-11-2011 प्राप्त हुआ था।

[फ० सं०-12012/28/2010-आई०आर० (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi the 15th November, 2011

S.O. 3546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 37/2010 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 15/11/2011.

[N.-L-12012/28/2010-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 26th September, 2011

PRESENT:

A.N. JANARDANAN

Presiding Officer

Industrial Dispute No. 37/2010

(In the matter of the dispute for adjudication under clausd (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 [14 of 1947], between the Management of the State Bank of India and their workman)

BETWEEN

Sri K. Mookan : 1st Party/Petitioner

AND

The Assitt. General Manager : 2nd Party/Respondent
State Bank of India,

Region-III Zonal Office,
McDonalds Road
Trichy-620001

APPEARANCE

For the Petitioner : Sri S. Vaidyanathan, Advocate

For the Management : Shri V. R. Gopalarathnam,
Advocate

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/28/2010-IR(B-I) dated 04.11.2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of State Bank of India, in discharging Sri K. Mookan from service is legal and justified? If not, what relief the workman is entitled to?"

2. After the receipt of Industrial Dispute the Tribunal has numbered it as ID 37/2010 and issued notice to both sides. Both sides entered appearance through their respective counsel and filed their Claim and Counter Statement as the case may be.

3. The Claim Statement contentions briefly read as follows:

Petitioner Mookan while was working as Messenger at Murukkeri branch on 23.09.2004 was suspended pending enquiry for acts of gross misconduct allegedly committed while he was at Sirupakkam branch. After a year he was charge sheeted on 16.11.2005 with 9 charges which were not to his awareness under Clause-5(j) of 10.04.2002 Settlement, which he denined in his explanation dated 22.11.2005. An enquiry was conducted and a report was submitted on 03.11.2006 holding charges (i) & (iii) to have been proved. Charge (v) was partly proved and rest of the charges as not proved. Disciplinary Authority proposed the punishment of discharge with superannuation benefits i.e., P.F. and Gratuity which was imposed. On 24.12.2007 appeal was rejected. On 22.12.2008 ID raised having ended in failure the reference is occassioned. The orders are invalid having emanated from two different functionaries viz. Regional Manager and the other Asstt. General Manager. The enquiry was against the principles of natural justice. Charges (i), (iii) and (v) are vague and lacked clarity. Finding is on the basis of surmises and conjectures and not on concrete evidence but is on declared preponderance of probability. Enquiry Officer wrongly concluded that petitioner remitted only a sum of Rs. 11,680/- to close the earlier loan on 20.04.2002. He did not state how remittance of Rs. 11,680/- is a misconduct. That charge should not

rest on subsequently fabricated documents was not taken note of by the Enquiry Officer. Enquiry is not fair and proper. Defence objections were not considered. There is no application of mind. Punishment on perverse finding is harsh and discriminatory. He has unblemished past record of service and has been without employment. The punishment is to be interfered under Section-11A of the ID Act. He may be reinstated with all benefits.

4. Counter statement allegations briefly read as follows:

The petitioner fully participated in the enquiry and there is no violation of principles of natural justice. The authorities were duly designated by the administrative authority. Petitioner had opportunity to peruse records and he had also been given all documents. Petitioner fully understood the purport of the charges. There is no vagueness or lack of clarity in the charges. It is denied that the authorities failed to consider petitioner's submissions before passing orders. It is denied that they have not applied their minds. It is denied that the findings are perverse or punishment a harsh. The confidence on the petitioner is reduced. He does not deserve any sympathy. The claim is to be dismissed.

5. Points for consideration are:

- (i) Whether the discharge of Sri K. Mookan from service is legal and justified?
- (ii) To what relief the petitioner is entitled?

6. Evidence consists of Ex.W1 to Ex.W9 on the petitioner's side and Ex.M1 to Ex.M3 on the Respondent's side, both sets marked on consent with no oral evidence on either side.

Points (i) & (ii)

7. Heard both sides. Perused the records and documents. On behalf of the petitioner his learned counsel contended that the dispute involved is one apt to be a dispute only between the workman and the customer and not *inter se* the workman and the bank. He was awarded the punishment of discharge from service with superannuation benefits. But he having had not completed 50 years of age and not rendered 20 years of service by then became disentitled to get his pensionary benefits. If the suspension period be treated as duty he would complete 50 years of age and if he be reinstated he will qualify for pension benefits. Ex.W6 to Ex.W8 are appreciation letters issued by the bank to the petitioner for being instrumental in bringing deposits amounting to lakhs into the bank during 1999 and 2000. He hails from a poor family. He has 3 children and a wife to support. His second son is a physically handicapped.

8. Contra arguments advanced on behalf of the Respondent's learned counsel are that though his past conduct is good in order to interfere with the punishment the same has to be found to be shockingly disproportionate to the gravity of the offence.

9. There is no reason to hold that the enquiry held is not fair and proper. The conclusion and the finding that the workman is guilty of the proved charges viz. 2-1/2 charges out of total 8 charges are also sound and proper and are not perverse as alleged. Therefore, the finding that the workman is guilty is only to be upheld and I do so.

10. Now coming to the punishment, the question is whether the same is liable to be interfered with for any reason. The two grounds under which the scope of power of this Tribunal extends to interfere in the punishment invoking Section-11A of the ID Act are (i) if and when the punishment is disproportionate to the gravity of the offence and (ii) it also extends for any other good or valid reason as has been held by the Apex Court in a catena of decisions.

— The first ground of a punishment being disproportionate to the gravity of the offence cannot be attracted to the given facts of the case concerning the workman because the misconduct proved committed by him is serious and which cannot be met with lenient punishment. He has committed fraud and misappropriated money to be remitted to the bank collected from customer for the purpose. This cannot be lightly viewed by the bank. Though there is no loss to the bank that is not a relevant consideration to impose lenient punishment. It is not only a misconduct but also the propensity to commit the grave misconduct like this, which is to be punished. So on the first ground petitioner cannot get lesser punishment than what is imposed.

— Then under the next ground whether the petitioner is entitled to any reduced punishment falls for consideration. It is not disputed that petitioner has had unblemished and good past record of service. He has been appreciated for having mobilized deposits into the bank running into lakhs of rupees. He is shown to be hailing from a poor family with 3 children of whom one is physically handicapped. The misconduct on hand is the only instance of his single lapse from virtue by which on the spur of a moment he happened to be miscarried away to perpetrate the wrongdoing which he has later made good. The concern of the bank is that by his act confidence on him has been reduced and he cannot be allowed to continue in service. Aimed at that the Management has adopted, presumably a punishment of discharge from service with

superannuation benefits so as to enable him to be entitled to the superannuation benefits which may include the pensionary claims as well instead of an outright dismissal from service which might entail in a capital punishment putting him in economic death. Discernibly, when the purpose of the Management was to make him entitled to the receipt of pensionary benefits as well by punishing him by discharge with superannuation benefits it might have lost sight of the fact that he might not get pensionary benefits owing to his having not completed 50 years of age and having not rendered 20 years of service which together alone qualify him for eligibility for pensionary benefits. Therefore, conceding to the arguments of the learned counsel for the petitioner I am led to hold that the punishment could be interfered with by modifying and reducing the punishment appropriately.

In the circumstances, it is deemed just and proper that there may be an order to reinstate him into service forthwith with continuity of service but without back wages. If he is reinstated pursuant to this direction the Management will be at liberty to impose upon him a punishment of withholding of increments for five years without cumulative effect. Invoking this Tribunal's power to mould its own procedure and shape relief in the interest of justice also availing its power to interfere with the punishment for any other "good and valid reasons" other than the ground of proportionality alone even if the Management knew well that petitioner would not get pension benefits while imposed the punishment as an extended impact of the punishment impugned herein viz. discharge with superannuation benefits it is ordered that the Management will be at liberty to enforce the said punishment of discharge on any day or after at which the petitioner acquires for himself the prescribed qualifying service for eligibility of pension and also attains the prescribed minimum age for eligibility for pensionary benefits or the Management may allow to continue him in service until his normal superannuation age as it deems proper. Ordered accordingly.

11. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th September, 2011)

A.N. JANARDANAN, Presiding Officer

WITNESSES EXAMINED:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :

On the Petitioner's side

Ex.No.	Date	Description
Ex.No.	Date	Description
Ex.W1	19.05.1986	Appointment order of the petitioner
Ex.W2	12.02.1992	Order issued by the Bank regarding conversion of the petitioner as Messenger
Ex.W3	16.11.2005	Charge sheet issued to the Respondent
Ex.W4	24.12.2007	Order of the Disciplinary Authority with covering letter.
Ex.W5	22.12.2008	Order of the Appellate Authority with covering letter
Ex.W6	09.08.1999	Appreciation letter issued by the Bank to the petitioner
Ex.W7	10.03.2000	Appreciation letter issued by the Bank to the petitioner
Ex.W8	25.04.2000	Appreciation letter issued by the Bank to the petitioner
Ex.W9	17.09.2010	Representation of the petitioner to the Secretary to the Government of India.

On the Management's side

Ex.No.	Date	Description
Ex.M1	16.11.2005	Disciplinary proceedings in term of Memorandum of Settlement dated 10.04.2002
Ex.M2	—	Exhibits of Disciplinary proceedings.
Ex.M3	07.06.2006	E-Circular from P&HRD, Corporate Centre-Mumbai No. CDO/P&HRD-IR/7/2007-06 to all branches/offices of State Bank of India.

नई दिल्ली, 15 नवम्बर, 2011

का. आ. 3547—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार दक्षिण रेलवे प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 43/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 15-11-2011 को प्राप्त हुआ था।

[फ़ासं-41011/131/2010-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th November, 2011

S.O. 3547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 43/2011 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai* as shown in the Annexure, in the industrial dispute between the management of *Southern Railway* and their workmen, received by the Central Government on 15/11/2011

[No.-L-41011/131/2010-IR (B-I)]
Ramesh Singh, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 14th October, 2011

PRESENT : A.N. Janardanan
Presiding Officer

Industrial Dispute No. 43/2011

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Southern Railway and their Workman]

BETWEEN

The Branch Secretary : 1st Party/Petitioner
Dakshin Railway Employees
Union (CITU)
145-1/A, Ettayapuram Road
Tuticorin-628002

Vs.

The Division Personnel Manager : 2nd Party/
Respondent

Southern Railway,
Divisional Office
Personnel Branch
Madurai.

APPEARANCE:

For the 1st Party/Petitioner : Set Ex-parte
For the 2nd Party/Management : Sri P. Srinivasan, Advocate

AWARD

The Central Government, Ministry of Labour vide its order No. L-41011/131/2011-IR (B-I) date 18.05.2011 referred the following Industrial Dispute to this tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Southern Railway, Madurai in placing Sri K. Murugesan, Technician Grade-III with the seniority quota employees instead to Serving Employees Quota in the Seniority List, is legal and justified? To what relief the workman is entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 43/2011 and issued notices to both sides, twice to the petitioner but who did not enter appearance and therefore has eventually been called absent and set ex-parte. Second Party entered appearance. Needless to say no Claim Statement has been filed showing the bundle of facts or claims underlying the claim made under reference. The claim of the petitioner does not stand supported by any pleadings to substantiate the demand with any evidence let in by the petitioner 1st party who has chosen to remain absent thereby not prosecuting the claim.

3. In the Memo of Objection filed on behalf of the Respondent it is stated that the petitioner appears to be not interested in the adjudication since his grievance has been redressed. The ID may be dismissed. Though it is claimed by the Management that the grievance of the concerned workman stands redressed and has been averred to that effect in the Memo of Objection the same does not stand substantiated by any evidence. Whatever it be for the absence of the petitioner to substantiate his claim the reference is only to be answered against him and in favour of the Management. Therefore as to placing Sri. K. Murugesan, Technician Grade-III with the seniority quota employees instead of serving employees quota in the seniority list whether is legal and justified is answered in the affirmative against the workman.

4. The reference is answered accordingly.

(Directed to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th October, 2011)

A.N. JANARDANAN, Presiding Officer

WITNESS EXAMINED:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

DOCUMENTS MARKED:—

ON THE PETITIONER'S SIDE

Ex.No.	Date	Description
	No	
On the Management's side		

Ex.No.	Date	Description
	No	

Representatives	
For the workman	: Sh. N.L. Agrawal
For the management	: Sh. R.K. Sharma

AWARD

14.10.2011

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3548—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 11/1009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[सं एल-22012/279/2007-आई आर (सी-II)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, The 15th November, 2011

S.O. 3548.—In pursuance of Section 17 of the Industrial Disputes act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 11/2009 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court* Jaipur as shown in the Annexure, in the industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 15/11/2011

[No.-L-22012/279/2007-IR(II)]
D.S.S. SRINIVASARAO, DESK OFFICER

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR**

Presiding Officer
Sh. N.K. Purohit

I.D.11/2009

Reference No. L-22012/279/2007 [IR(CM-II)] dated:
20.11.2007

Shri Maddu Ram Meena
S/o Shri Morepal Meena
R/o Vill. & Post Dhamon Khurd
Sawaimadhopur (Raj.)

V/s.

The Regional Manager
Food Corporation of India
Distt. Office, Chavani Chauraha
Kota (Raj.)

1. The Central Government in exercise of the powers conferred under Clause (d) of Sub Section 1 & 2(A) of section 10 of the Industrial Disputes Act. 1947 has referred the Industrial dispute to this tribunal for adjudication which runs as under:—

"Whether the actions of the management of Food Corporation of India in terminating the services of Shri Maddu Ram Meena vide Order dated 11.1.2007 is legal and justified? if not, to what relief is the workman entitled?"

2. The workman in his claim statement has pleaded that he was engaged as daily wages employee by the non-applicant *w.e.f.* 1.11.88. His services were terminated on 31.5.93 therefore, he raised industrial dispute which was referred to this Tribunal & award was passed on 30.6.2000 for his reinstatement with continuous service & back wages from the date of raising dispute before the Conciliation Officer. He has further pleaded that *vide* SB civil writ petition No. 4329/2000 the said award was challenged which was dismissed on 16.8.05, & the Special Appeal (Writ) No. 880/205 against the aforesaid order dated 16.8.05 was also dismissed on 20.10.05. The SLP (writ) NO. 4238/2006 filed before the Hon'ble Supreme Court was dismissed on 10.3.06. Thereafter, the non-applicant delivered a cheque dated 2.6.06 for Rs. 75260/- to the workman on 3.6.06 & he was told that payment relates to the period between 17.3.97 to 5.9.03 & he was taken on duty *w.e.f.* 9.6.06.

3. The workman has alleged that non-applicant No. 2 has again terminated his services on 11.2.07 & an amount of Rs. 8621/- has been paid to him vide cheque dated 11.1.07 stating that his services were not required due to renting out of the godown of FCI buffer complex Storage Depot, Sawaimadhopur. The workman has claimed that he is entitled for retrenchment compensation for wages of 270 days calculating on the basis of 18 years completed continuous service @ 15 days per year *w.e.f.* 1.11.88 to 11.1.07. Whereas as per details of amount of cheque given in the aforesaid order dated 11.1.07 he was paid one month advance pay Rs. 2190/- Retrenchment compensation amount Rs. 5774/- & wages for 11 days of January 2007 Rs. 657/-. Thus, while terminating his services a total amount of Rs. 8621/- was paid through aforesaid cheque. The compensation has not been paid as per award & provision under clause (b) of section 25-F of I.D. Act. The workman has prayed that the impugned order dated 11.1.07 be set aside & relief of reinstatement with all consequential benefits be granted.

4. The Management in its reply has contended that cheque for Rs. 75,260/- was given to the workman and he was taken on duty *w.e.f.* 9.6.06 and he was made payment till the date of retrenchment *i.e.* 11.1.07. The management has further contended that award passed by the CGIT, Jaipur dated 30.6.2000 was followed and after complying the due process of law u/s 25-F of the I.D. Act before retrenchment due wages, one month advance wage along with compensation have been given to the workman. Therefore the workman has no legal right for challenging his retrenchment and he is not entitled to any relief.

5. In rejoinder, apart from reiterating his earlier averments made by him in the claim statement it has been pleaded by the workman that the non-applicant has not paid retrenchment compensation for 18 years continuous service of the workman as per law as well as notice has not been issued to the appropriate government hence, the retrenchment order dated 11.1.07 is not sustainable and deserves to be quashed.

6. In evidence, the workman has filed his affidavit. In rebuttal, the management has filed counter affidavit of Shri Jagdish chand Meena, Area Manager, F.C.I., Kota.

7. In documentary evidence, the workman has filed documents Ex-1 to Ex-9 whereas the management has produced Ex-D-1 to Ex-D-6 in support of their respective cases.

8. In view of the pleading of both the sides following questions crop-up for consideration:

- I. Whether the services of the workman were retrenched *vide* order dated 11.1.07 without complying with the mandatory provisions of clause (b) of section 25-F of the I.D. Act?
- II. Whether in compliance of clause (c) of the 25-F of the I.D. Act, notice in prescribed manner has not been served on the appropriate government?
- III. Whether termination of the workman is in violation of Section 25-F of I.D. Act?

Point No. I.

9. The workman in his affidavit has admitted that an amount of Rs. 75260/- was paid to him by cheque on 2.6.06 but he has alleged that the management did not make him payment of retrenchment compensation for wages of 270 days which was to be calculated on the basis of 18 year's continuous service completed @ 15 days per year *w.e.f.* 1.11.88 to 11.1.2007 since he has been treated in continuous service *vide* award dated 30.6.2000. In cross examination he has stated that the total number of working days *i.e.* 1022 days shown in the record of the committee constituted for computation of the amount of compensation is not correct as he had worked for more than 1022 days.

10. The management witness Shri Jagdish Chand Meena, Area Manager, FCI has stated that services of the workman were discharged *vide* order dated 11.1.07. The claimant was also paid a cheque dated 11.1.07 for Rs. 8621/- which include compensation of Rs. 5774/- plus one month advance salary of Rs. 2190/- in lieu of notice as well as salary of January, 2007 from 1.1.07 to 11.1.07 Rs. 657/- (for 9 days). Ex-D-4 dated 12.1.2007 is the receipt of the aforesaid cheque Ex-D-3. He has further stated that the compensation so paid was calculated by a constituent committee of three officers and was also pre audited. He has also stated that the services of the workman were discharged because the godowns of non-applicant were lying vacant and were handed over to the CWC on rental basis. The workman has accepted discharge order dated 11.1.07 along with cheque without any written protest. There is nothing outstanding of the workman against the non applicant & his claim is infructuous. He has further stated that as per award the compensation is not payable for the period 30.5.93 to 16.3.97 therefore, for the said period amount has not been paid.

11. Admittedly, award dated 30.6.2000 (Ex-1) was passed by this tribunal in favour of the workman & writ petition, filed against the said award was dismissed *vide* order dated 16.8.05 (Ex-2), the D.B. special appeal & petition for SLP appeal were also dismissed *vide* orders dated 20.10.05 (Ex-3) & 10.3.06 (Ex-4) respectively. It is not in dispute that services of the workman were terminated *vide* termination order dated 11.1.07 (Ex-7) & at the time of termination by the said order one month pay amounting to Rs. 2190/- & 11 days' pay of January, 07 amounting to Rs. 657/- & an amount of Rs. 5774/- has been paid against compensation through cheque Ex-D-2 amounting to Rs. 8621/- in all.

12. Learned representative on behalf of the workman has contended that compensation u/s 25-(b) of I.D. Act has not been calculated correctly as per law. He has further contended that though in award (Ex-1) dated 30.6.2000, the back wages were allowed from the date of raising dispute before the Conciliation Officer but as per award workman has been treated in continuous service of the management. Therefore, the compensation was to be paid by calculating the services of the workman for 18 years 2 months & 7 days *i.e.* for the period *w.e.f.* 1.11.88 till 11.1.2007. The pay of the workman was Rs. 2190/- therefore, resultant pay for one day comes to Rs. 84.23 after dividing the pay by the 26 working days. Thus, 15 days average pay would be Rs. 1263.46 & this amount of one year should have been multiplied by 18 years of continuous service which would have been Rs. 22742.30. Against the aforesaid amount, the management made payment of Rs. 5774/- only. Since, the management has not complied with the mandatory provision of section 25-(b) therefore; the retrenchment of the workman is illegal.

13. Per contra, the learned representative for the management has urged that the compensation was worked out by a committee of three officers & was pre audited & on the basis of that amount Rs. 5552/- was paid as compensation. In view of the terms of award compensation was not to be calculated for the period 31.5.93 to 16.3.97. Therefore, the provision of clause of (b) of section 25-F has been fully complied with.

14. I have given my thoughtful consideration on the rival submissions on both the sides.

15. Section 25-F envisages that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- a. the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- b. the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and
- c. notice in the prescribed manner is served on the appropriate Government for such authority as may be specified by the appropriate Government by notification in the official Gazette.

16. As per clause (b) of the section 25-F, the workman is to be paid at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.

17. The "average pay" has been defined u/s 2(aaa) as under:—

'Average pay' means the average of the wages payable to a workman—

- (i) In the case of monthly paid workman, in the three complete calendar months.
- (ii) In the case of weekly paid workman, in the four complete weeks.

- (iii) In the case of daily-paid workman, in the twelve full working days.

Proceeding the date on which the average pay becomes payable, if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked:]

18. In decision (2007) 1 SCC (L&S) 792 Guru Jambheshwar University V/s Dharmpal the question under consideration was whether Labour Court was correct in computing the amount of retrenchment compensation on the basis that one month's days average pay of the respondent therein should have been calculated by dividing his monthly salary by 26. Hon'ble Apex Court has held that average pay has been defined in section 2(aaa) of the Act therefore, it has to be determined strictly in accordance with the said provision & not on the basis of some hypothetical calculation. Hon'ble Court further held that the concept of 26 working days was evolved having regard to the definition of the word wages as given in section (s) of the Payment of Gratuity Act, there is no warrant or justification for importing the principle of 26 working days for determining the compensation which is payable in terms of section 25-F (b) of the Act. As per decision one day's average pay should be calculated by dividing monthly salary by 30 & not by 26 & the quotient so arrived should have been multiplied by 15.

19. In the background of above legal provisions & propositions the factual scenario in the present case is to be examined.

20. In the present matter, the management has given the compensation amount on the basis of report of the committee dated 8.12.06 (Ex-D-5) which was constituted for the purpose of computing the compensation payable under clause (b) of section 25-F of the I.D. Act in the light of award of the Tribunal dated 30.6.2000 (Ex-1). The Committee in its report has calculated the amount of compensation as per details given in the chart below:—

Calendar year	Total working days	Rate of daily wages	Average wages of the year	Averages wages of one months'	Average wages of fifteen days (compensation amount)
1988	34	14	476—6 months	80	40
1989	96	20	1920—6 months	320	160
1990	292	20	5840	487	244
1991	240	25	6000	500	250

Calendar year	Total working days	Rate of daily wages	Average wages of the year	Averages wages of one months'	Average wages of fifteen days (compensation amount)
1992	240	35	8400	700	350
1993 (to 30.5.1993)	120	35	4200—6 months	700	350
As per the decision of the CGIT no relief has been given to the workman from the date of his termination 31.5.93 to 16.3.97. Therefore, compensation is not payable.					
1997 (from 17.3.97)	190	32	6080	507	254
1998	240	32	7680	640	320
1999	210	32	6720	8520	355
	30	60	1800		
2000	240	60	14400	1200	600
2001	240	60	14400	1200	600
2002	240	60	14400	1200	600
2003	163	60	9780	15000	625
	87	60	5220		
2004	36	60	2160	6048	252
	54	72	3888		
2005	23	72	1656—6 months	276	138
2006 (to 30.11.06)	136	73	9928	828	414
Total					5552/-

21. It is not in dispute that the workman was paid an amount of Rs. 8621/- vide cheque no. 722843 dated 11.1.2007. The workman has admitted that the amount was paid to him as per detail below:—

One month advance pay : Rs. 2190/-
Wages for 11 days of January 2007 : Rs. 657/-
Retrenchment compensation amount to Rs. 5774/-

22. Earlier the services of the workman were terminated on 31.5.93 which is challenged after raising industrial dispute & this Tribunal vide its award dated 30.6.2000 held his termination as illegal being in violation of the Act. While reinstating the services of the workman the back wages have been granted from the date of raising dispute to the date of reinstatement with continuity of the service.

23. Admittedly, the management has excluded the period from 31.5.93 to 16.3.97 i.e. from date of termination to date of raising dispute by the workman. The contention

on behalf of the management that as per the terms of the award no compensation was to be calculated for the said period is not sustainable. As per award the said period was excluded only for back wages taking into consideration the delay in raising dispute. The workman has been reinstated & it has been categorically mentioned in the award that the services of the workman shall be deemed to be in continuity. Therefore, the services of the workman are in continuity w.e.f. the date of his termination i.e. 31.5.1993 to date of reinstatement. As per report of the Committee constituted for computation of the compensation the said period i.e. 31.5.93 to 16.3.97 has not been considered for calculation therefore, the 15 day's average pay has not been calculated for the said period. The management has wrongly excluded the said period for computation of the compensation.

24. Apart from this average pay has not been calculated as per provisions of section 2(aaa) of the I.D. Act. The average of the wages payable to a workman were to be calculated on the basis of three complete calendar

months in the case of monthly paid workman, four complete weeks in the case of weekly paid workman & 12 full working days in the case of daily paid workman preceding the date on which the average pay becomes payable. Only in case where such calculation cannot be made the average pay was to be calculated on the basis of average of the wages payable to a workman during the period he actually worked.

25. In the present case, the 'average pay' as envisaged u/s 2(aaa) was payable at the time of termination *i.e.* 11.1.2007, therefore, the average of the wages payable to the workman was to be calculated in reference to the said date. The chart pertaining to calculation of the amount of calculation Ex-D-5 reveals that the total working days of the workman in the year 2006 were 136 days only. It further reveals that the average of the wages have not been determined considering the workman as monthly paid workman or weekly paid workman. Nor it has been determined on the basis of average of wages of 12 full working days. The management has not given any reason for not computing the average pay as per above method. It appears that the average of pay has been determined considering the workman as daily paid workman on the basis of actual working days in the relevant year. As per Ex-D-5 the total number of actual working days of the workman was 1022 days. It reveals from the chart Ex-D-5 that rate of wages was different in different years during which the workman had actually worked. Therefore, average of wages was to be calculated on the basis of total amount paid divided by total actual working days & after that average of wages was to be multiplied by 15 & average pay of 15 days for every completed year of continuous service or any part thereof in excess of six months was to be paid to the workman at the time of his termination but management has not computed the average pay correctly as per provisions u/s 2 (aaa).

26. In view of above discussions, it is concluded that the retrenchment amount has not been calculated correctly & the management has failed to comply with the mandatory provisions of clause (b) of section 25-F of the I.D. Act. Thus, this point is decided against the management.

Point No. II

27. Clause (c) of section 25-F requires that no workman under an employer shall be retrenched until notice in prescribed manner is served on the appropriate Government for such authority as may be specified by the appropriate Government in the official gazette.

28. The workman has stated that the management has not given any notice in the prescribed manner as envisaged under clause (c) of the I.D. Act. The management witness has not stated that any such notice was given. In cross examination he has shown his ignorance about such

notice by the management. Thus, it is evident that no notice required under the clause (c) of 25-F was given while retrenching the services of the workman.

29. The question therefore, arises in case notice under clause (c) is not served on the appropriate government whether retrenchment would be illegal merely on this ground.

30. The question whether the requirement u/s 25-F(c) is pre conditioned to validate retrenchment fell directly for its decision in Bombay union of journalist V/s State of Bombay. In this case after considering all the three clauses *i.e.* (a), (b) & (c) of section 25-F & word until in the opening part of the section the Hon'ble Court observed that clause Cc) cannot be held to be a condition precedent even though it has been included u/s 25-F along with clause (a) & (b) which prescribed condition precedent. It was further pointed out that unlike clause (a) & (b), clause (c) is not intended to protect the interest of the workman as such & it is only intended to give intimation to the appropriate government about the retrenchment, & that only helps government to keep itself informed about the condition of employment in different industry within its region.

31. Thus, in view of decision *supra* the requirement of clause (c) is not a condition precedent to a valid retrenchment. However, breach of this requirement may attract the penal provisions of section 31(2) of the I.D. Act.

32. Though the management has not complied with the provision under clause (c) of I.D. Act but in view of aforementioned legal position the retrenchment of the workman cannot be held illegal merely on the ground of non-compliance of the said clause.

Point No. III (Relief).

33. In the result, since the management has not fully complied with the provision of clause (b) of the 25-F of the I.D. Act & the action of the management of F.C.I. in terminating the services of Shri Maddu Ram Meena *vide* impugned order dated 11.1.2007 being in violation of section 25-F of the I.D. Act is illegal & unjustified.

34. Earlier in cases of termination in violation of section 25-F reinstatement of the workman with full back wages used to be automatically granted, but keeping in view several other factors and in particular the doctrine of public employment and involvement of the public money, a change in the said trend is now found in the recent decisions of the Hon'ble Supreme Court. In a large number of decisions in the matter of grant of relief of the kind, Hon'ble Apex Court has distinguished between a daily wager who does not hold a post and a permanent employee.

35. In recent decision (2010) 1 SCC (I&S) 545 Jagbir Singh V/s Haryana State Agriculture Mktg. Board after considering the earlier decisions referred to therein on the

point should an order of reinstatement automatically follows in a case of violation of section 25-F of the I.D. Act Hon'ble Apex Court has observed that:—

"It would be, thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this court and instead compensation has been awarded. This court has distinguished between a daily wager who does not hold a post and a permanent employee."

36. Continuing this line of approach in decision (2010) 2 SCC (L&S) 376 Hon'ble Apex Court has observed as under:—

"While the earlier view of the Court was that if an order of termination was found to be illegal, normally the relief to be granted would be reinstatement with full back wages. However, with the passage of time it came to be realized that an industry should not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all. The relief to be granted is discretionary and not automatic. A person is not entitled to get something only because it would be lawful to do so. The changes brought out by the subsequent decisions of the Supreme Court probably having regard to the changes in the policy decisions of the Government in the wake of prevailing market economy, globalization, privatization and outsourcing was evident. Hence now there is no such principle that for an illegal termination of service the normal rule is reinstatement with back wages, and instead the Labour court can award compensation."

"There has been a shift in the legal position laid down by the Supreme Court and now there is no hard-and-fast principle that on the termination of service being found to be illegal reinstatement with back wages is to be awarded. Compensation can be awarded instead, at the discretion of the Labour Court, depending on the facts and circumstances of the case."

37. In present matter, it is not in dispute that the services of the workman were terminated *vide* impugned order on the ground that his services were not required due to renting out of the godown of FCI buffer complex Storage Depot Sawaimadhopur in pursuance of the policy to rent out the unutilized storage facilities. The dispute has been

raised only regarding computation of average pay for calculating compensation as per clause (b) of section 25-F of the I.D. Act. Keeping in view the nature of job & nature of employment & having regard to the fact that services of the workman were terminated on the ground of renting out the unutilized storage, instead of reinstating the workman the interest of justice will be sub-served by paying compensation to him instead of & in lieu of relief of reinstatement in service.

38. Accordingly, the reference is answered in affirmative in favour of the workman & it is held that action of the management in termination of the services of the workman *vide* impugned order dated 11.1.2007 is illegal & unjustified on the ground of non-compliance of clause (b) of section 25-F of the I.D. Act. Therefore, the F.C.I. is directed to pay compensation to the workman worth Rs. 25000/- (Twenty Five Thousand) instead & in lieu of reinstatement in service. The payment shall be made within eight weeks from the date of publication of the award failing which it shall carry interest @9% per annum. The reference under adjudication is answered accordingly.

39. Award is above.

40. Let a copy of the award be sent to Central Government u/s 17(1) for publication.

N.K. PUROHIT, Presiding Officer.

नई दिल्ली, 15 नवम्बर, 2011

का०आ० 3549—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी गोवा लिमिटेड (पणजी गोवा) के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय नं० 2 मुम्बई के पंचाट (संदर्भ संख्या 2/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फाइल सं० एल 29011/19/2007 आई आर (एम)]
जोहन् तोपनो, अवर सचिव।

New Delhi, the 15th November, 2011

S.O. 3549.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....2/2008.....) of the Central Government Industrial Tribunal/Labour Court 2 Mumbai... now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Sesa Goa Ltd. (Panaji Gao) and their workman, which was received by the Central Government on... 15/11/2011.

[File No. L-29011 19/2007-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B. KATAKE

Presiding Officer

Application. CGIT-2/2 of 2008

(Arising out of Ref. CGIT-2/15 of 2008)

PARTIES:

The Director-Production & Logistics
 Sesa Goa Ltd.
 Sesa Ghor
 20, EDC Complex
 Patto, Panaji
 Goa. :

APPLICANT

V/S.

Mr. Janardhan B. Naik
 House No. 2242,
 Dabamal
 Churchorem
 Goa. :

OPPONENT

APPEARANCES:

For the Applicant : Mr. Girish Sardessai
 Advocate.

For the Opposite Party : Mr. P. Gaonkar,
 Representative.

Mumbai, dated the 1st August, 2011.

JUDGEMENT PART-I

1. The applicant Sesa Goa Ltd. has filed this application under Section 33 (2) b of the Industrial Disputes Act. According to the applicant, opponent Mr. Janardhan B. Naik was working with the company at its unit at Goa. By letter date 21/08/2007 he was transferred to the company's unit at A. Narrain Mines, Megalahalli, Karnataka. The workman was supposed to report at the place of his transfer on 28/08/2007 at 9.00 a.m. Accordingly he was relieved from the duties at Sesa Goa Ltd. Codli Mines from 24.08.2007. Mr. J.B. Naik was advised that the G.M. Mining at A. Narain Mines was to assist him in obtaining appropriate accommodation. They had also offered him TA advance of Rs. 4000/-. Though opponent was relieved on 24.08.2007 and he was supposed to report on 28.08.2007. However till the date of filing of application he has not joined his duties at A. Narrain Mines in the state of Karnataka. Therefore the opponent was chargesheeted vide their letter dt. 28.12.2007. As there was some error in the chargesheet, fresh chargesheet cum inquiry letter was

issued to the opponent on 8/1/2008. He was chargesheeted for the misconduct of willful insubordination or disobedience of lawful and reasonable order of a superior (Under clause 14 (3) (A) of the Model Standing Order). He was also charged under clause 14 (3) (E) for habitual absence without leave or absence without leave for more than 10 days.

2. The inquiry was conducted by an impartial inquiry officer. Every opportunity was given to the opponent to appear for the inquiry and defend himself. The inquiry officer submitted his report and findings dated 2/2/2008 and after appreciating the facts of the case and held opponent guilty of the charges leveled against him. The applicant has accepted the report and findings of the inquiry officer. A showcause notice 8/2/2008 was issued to the opponent as to why he should not be dismissed from service. The opponent submitted his reply dt. 14/2/2008. His reply was not found satisfactory. Therefore the management has decided to dismiss the opponent from service. As reference No. L-29011/19/2007-IR dt. 6/2/2008 is pending before Industrial Tribunal, Therefore by way of abundant precaution the management has filed this application for permission to the proposed action of dismissal of the opponent. In short they have prayed for approval to the action of dismissal of the opponent.

3. The opponent workman resisted the approval application vide his written statement at Ex-4. According to him the vast majority of workman of Sesa Goa Ltd. working at Codli Mine have decided to join the external union namely United Mine Workers Union. Opponent has taken lead in formation of the said union therefore the management has issued the order of transfer to victimize him for his activities of trade union as he has taken lead to form new union along with some other workers. The order of transfer was issued on 21.8.2007. It was received to the worker on 15.8.2007. It was issued with malafied intension and merely to victimize the workman. The workman and some others who have joined the external union were transferred to Karnataka. No workman was transferred who belong to the management's sponsored union. The transfer order amounts to alteration of service conditions of the workman. Transfer order was issued to put up pressure on the workman.

4. Therefore the workman and other did not joint their new posting in the Karnataka state. After the workman was served with the chargesheet, dated 13.11.2007, he filed reply thereto and requested the General Manager, Mines to supply copies of the documents and copies of certified standing orders on which the chargesheet was based. However copies of the documents were not supplied to him. The workman also filed his say to the chagesheet-cum-notice dt. 28.12.2007. It was issued merely to victimize the workman. The place of inquiry was fixed 450 kms. away

from the place of his appointment and the head office of the company. The workman requested to change the place of inquiry at the head office. The workman was again served with chargesheet-cum-notice of inquiry dated 8.1.2008. The workman replied and requested the inquiry officer for change of place of inquiry at his office at Ponda Goa as Inquiry officer was from Ponda, Goa. He had also sought for fifteen days' time.

5. The workman was not allowed to be represented by the General Secretary of their union whereas management was represented by experienced and legally trained persons. No opportunity was given to the workman to defend himself. The inquiry was conducted ex-parte. The inquiry officer acted as an agent of the management. He did not follow the principles of natural justice. He closed the ex-parte inquiry in two sittings. The findings of the inquiry officer are not based on the evidence on record. The inquiry is not fair and proper. The findings of the Inquiry officer are perverse. Therefore the workman prays that the application be rejected with cost.

6. Following are the points for my determination. I record my findings thereon for the reasons to follow:

Points	Findings
1. Whether the inquiry and findings of inquiry officer are fair and proper?	No.
2. Whether permission/ for approval the action of termination of services of workman can be granted?	Yet to be determined.
3. What order?	As per order below.

REASONS

Point No. 1:—

7. In respect of inquiry, the fact is not disputed that the inquiry herein was conducted exparte. The workman though was served with the chargeheet he did not take part in the inquiry proceeding. According to him, the place of inquiry was 450 kms away from Goa. Therefore he had requested the inquiry officer to change the place of inquiry to Ponda, Goa. According to the workman as he himself and some others were transferred far away at a place situated in Karnataka State, it was to harass and victimize them as they have joined the external union. He further submitted that though the workman was absent, the inquiry officer ought to have followed the due procedure while conducting the inquiry. Instead of that the inquiry officer has concluded the inquiry within two sittings. He did not follow the procedure and principles of natural justice.

8. In this respect the Id adv for the applicant submitted that affidavit of inquiry officer is on record at Ex-8 wherein

it is contended that the amended chargesheet dated 8.1.2008 was served on the workman. He has further contended that he has conducted the inquiry according to the principles of natural justice. The Id adv submitted that the inquiry officer was holding a high position. He has no motive to give false evidence. Therefore his statement on oath should be accepted that the inquiry was conducted by following the principles of natural justice. In support of his argument, the Id adv for the applicant resorted to Apex Court ruling in **Union of India V/s. Verma (T.R.) 1958 II LLG SC 259** wherein the Hon'ble Court on the point of acceptance of statement of inquiry officer observed that;

".....there is no reason why the statement of Mr. Byrne should not be accepted as true. He was admittedly an officer holding an high position and it is not suggested that there was any motive for him to give false evidence."

However in the case at hand the facts are different and question of truthfulness of evidence of inquiry officer is not much relevant. In the case at hand, it is the fact that the opponent though was duly served with chargesheet, did not appear before the inquiry officer as the inquiry was kept far away from the place of his earlier work. Fact is also not disputed that the inquiry was proceeded exparte as opponent did not take part in the inquiry proceeding. Therefore ratio laid down in this ruling is not attracted to the set of facts of the present case.

9. In this respect the Id. adv. for the applicant submitted that in the application unde Section 33 of I.D. Act, the Tribunal has to examine whether there was inquiry and view taken by the inquiry officer is possible. He further submitted that in application under Section 33, the scope of Industrial Tribunal is very limited. It cannot substitute its own judgement in place of the finding of inquiry Officer. In support of his argument, the Id Adv. resorted to Apex Court ruling in **Cholan Roadways Ltd. V.s. G. Thirugnanasambandam 2005 III SCC 241** wherein on the point Hon'ble court observed that;

"It may be that considering this question may itself have arrived at different conclusion. It has however, no right to substitute its own judgement for the judgement in question. It has only got to consider whether the view taken is a possible view on the evidence on record."

10. In this respect the Id. Adv. for the opponent has rightly pointed out that the aforesaid ratio is not attracted to the set of facts of this case as the inquiry herein was proceeded exparte. The aforesaid ratio is in respect of the finding of the inquiry officer where inquiry was concluded on merit. Therefore the ratio in the above ruling is not helpful to the applicant.

11. The inquiry was proceeded exparte. However the Id. Adv. for the applicant submitted that the opponent was

duly served with the chargesheet and date of inquiry. He further pointed out that the opponent wilfully remained absent. Therefore the inquiry proceeding and findings of the inquiry officer cannot be challenged on that ground. In support of his argument, the Id. Adv. for the applicant resorted to Rajasthan High Court ruling in **Mohan Singh V/s. Jaipur Metal and Electricals Ltd. Jaipur 1996 LLR 448** wherein on the point of exparte inquiry and findings thereof, the Hon'ble Court observed that;

"In our view it is not open to him to raise his objection in appeal in as much as full opportunity was given to him. But he himself did not participate in the inquiry proceeding which went exparte."

12. In this respect the Id. Adv. for the opponent pointed out that though opponent wilfully remained absent, he had applied before the inquiry officer to change the place of inquiry which is 450 Kms away from the place of his work and from the place of head office of the company. The Id. Adv. for the opponent further pointed out that opponent had requested the inquiry officer to hold inquiry at Ponda, Goa near the head office of the applicant company. However inquiry officer had neglected his request and proceeded exparte. Therefore Id. Adv. submitted that the exparte inquiry and findings of Inquiry officer cannot be called fair and proper. In support of his argument, the Id. Adv. resorted to Andhra Pradesh High Court ruling in **A. Ramamurthy V/s. A.P. Industrial Infrastructure Corporation, Hyderabad 2003 LLR 74** wherein the Hon'ble court observed that;

"Although a delinquent employee has not right to choose the place of inquiry, but conducting an inquiry at a place where witnesses are not residing and rejecting the request of delinquent employee by the inquiry officer will not be justified."

13. In the case at hand, the fact is not disputed that the opponent was transferred 450 Kms away from Ponda, Goa to the place of his new posting in the State of Karnataka. The opponent had also applied to the inquiry officer to change the place of inquiry and it should be held at Ponda, Goa. The fact is not disputed that after issuance of transfer order, on the very next day the opponent was relieved and he was asked to join the place of his new posting which is 450 Kms away from Ponda, Goa. Fact is not disputed that the opponent did not join his duty at the place of his new posting. The witnesses who have issued the order of transfer and who have served the order of transfer on the opponent and who served him the relieving order all are from Ponda, Goa. In the circumstances, the inquiry officer ought to have accepted the request of the opponent to change the place of inquiry to Ponda, Goa. The inquiry officer did not accept the request of the opponent, therefore, the opponent remained absent and the inquiry proceeded exparte. Such an inquiry cannot be

called inquiry on merit. On the other hand, the inquiry officer proceeded exparte and recorded findings exparte. It was inquiry as opponent did not join the duty at the place of his transfer. According to the opponent, he and some others were victimised by the company as they have joined an external union. Therefore they were deliberately transferred from Ponda, Goa to Karnataka State merely to harass and victimise them. In the circumstances and as the witnesses are from Ponda, Goa, in the light of above ruling inquiry officer committed mistake in rejecting the request of the opponent. In this back drop, the exparte inquiry and findings thereon cannot be called fair and proper. The inquiry was conducted in violation of principles of natural justice as inquiry officer did not allow the opponent to take part in the inquiry proceeding by rejecting his application to hold inquiry at Ponda, Goa. Accordingly, I hold that the inquiry was not fair and proper. Consequently, I also hold that the findings of inquiry officer are perverse. Accordingly, I decide this point no. 1 in the negative.

Point nos. 2 & 3:—

14. As the inquiry is held not fair and proper and findings of inquiry officer are found to be perverse, as discussed in point no. 1 herein above, the question of granting approval for termination of service of the opponent does not arise. Now the question is whether the applicant can be given an opportunity to lead evidence against the opponent. In this respect the Idadv for the opponent pointed out that the applicant has not alternatively prayed in the application to allow them to lead evidence, therefore the Tribunal should not direct the applicant company to adduce evidence. In support of his argument, the Id. Adv. cited Apex Court ruling in **Shankar Chakravarthy V/s. Britannia Biscuits Co. Ltd. AIR 1979 SC 1652** wherein on the point the Hon'ble Apex Court observed that;

"In the alternative it must be pleaded that if the Labour Court or Industrial Tribunal comes to the conclusion that either there was no inquiry or the one held was defective, the employer would adduce evidence to substantiate the charges of misconduct alleged against the workman. Now if no such pleading is put forth, either at the initial stage or during the pendency of the proceedings, there arise no question of a sort of advisory role of the Labour Court or Industrial Tribunal, a party much better off than the workman to inform it about its right namely the right to lead additional evidence and then give an opportunity which was never sought. This runs counter to the grain of industrial jurisprudence."

15. In the case at hand, though there is no alternative prayer in the application, however in the Rejoinder of the applicant at Ex-6, such an alternative prayer is made to allow them to lead evidence in support of the charge, in the event the inquiry and findings therein are set aside by the

Tribunal. As there is prayer in the affidavit, the ratio in the above ruling is not attracted. Thus I think it proper to allow the applicant to lead their evidence in respect of the charges levelled against the Opponent. Thus I proceed to pass the following order:

ORDER

The inquiry is held not fair and proper and findings of inquiry officer are also declared as perverse.

The applicnat is allowed to lead their evidence against the opposite party on 23/09/2011 at 10.30 a.m. in the Conference Hall of Marmugao Port Trust Guest House, Mormugao, Goa.

Date: 01.08.2011

K. B. Katake, Presiding Officer/Judge

नई दिल्ली, 15 नवम्बर, 2011

का-आ 3550—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पैसर्स सी गोव लिमिटेड (पणजी गोवा) के प्रबंध तंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 मुम्बई के पंचाट (संदर्भ संख्या 1/2008 को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फा सं एल-29011/19/2007-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 15th November, 2011

S.O. 3550.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2008) of the Central Government Industrial Tribunal/Labour Court 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sesa Goa Ltd. (Panaji Goa) and their workman, which was received by the Central Government on 15/11/2011.

[F. No. L-29011/19/2007-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B. KATAKE

Presiding Officer

APPLICATION CGIT-2/1 OF 2008

(Arising out of Ref. CGIT-2/15 of 2008)

PARTIES:—

Their Director—Production & Logistics

Sesa Goa Ltd.

Sesaghor

20, EDC Complex

Patto, Panaji

Goa.

: **APPLICANT**

V/s.

Mr. Joaquim D'Souza

House no. 96,

Novembhat

Panchawadi

San Vadem

Goa.

: **OPPONENT**

APPEARANCES:

For the Applicant : Mr. Girish Sardesai
Advocate.

For the Opposite Party : Mr. P. Gaonkar,
Representative.

Mumbai, dated the 1st August, 2011.

Appln/CGIT-2/1 of 2008

In Ref. CGIT-2/15/2008

JUDGEMENT PART-I

1. The applicant Sesa Goa Ltd. has filed this application under Section 33 (2) b of the Industrial Disputes Act. According to the applicant, opponent Mr. Joquim D'Souza was working with the company at its unit at Goa. By letter dated 14/08/2007 he was transferred to the company's unit at A. Narrain Mines, Megalahalli, Karnataka. The workman was supposed to report at the place of his transfer on 21/08/2007 at 9.00 a.m. Accordingly he was relieved from the duties at Sesa Goa Ltd. Codli Mines from 16.08.2007. Mr. D'Souza was advised that the G.M. Mining at A. Narrain Mines was to assist him in obtaining appropriate accommodation. They had also offered him TA advance of Rs. 4000/-. Though opponent was relieved on 16.08.2007 and he was supposed to report on 21.08.2007. However till the date of filing of application he has not joined his duties at A. Narrain Mines in the state of Karnataka. Therefore the opponent was chargesheeted vide their letter dt. 28.12.2007. As there was some error in the chargesheet, fresh chargesheet cum inquiry letter was issued to the opponent on 8/1/2008. He was chargesheeted for the misconduct of willful insubordination or disobedience of lawful and reasonable order of a superior (Under clause 14 (3) (A) of the Model Standing Order). He was also charged under clause 14 (3) (E) for habitual absence without leave or absence without leave for more than 10 days.

2. The inquiry was conducted by an impartial inquiry officer. Every opportunity was given to the opponent to appear for the inquiry and defend himself. The inquiry officer submitted his report and findings dated 3/2/2008 and after appreciating the facts of the case held opponent guilty of the charges leveled against him. The applicant has accepted the report and findings of the inquiry officer. A showcause notice 8/2/2008 was issued to the opponent as to why he should not be dismissed from service. The opponent submitted his reply dt. 14/2/2008. His reply was not found satisfactory. Therefore the management has decided to dismiss the opponent from service. As reference no. L-29011/19/2007-IR dt. 6/2/2008 is pending before Industrial Tribunal, therefore by way of abundant precaution the management has filed this application for permission to the proposed action of dismissal of the opponent. In short they have prayed for approval to the action of dismissal of the opponent.

3. The opponent workman resisted the approval application vide his written statement at Ex-4. According to him the vast majority of workman of Sesa Goa Ltd. working at Codli Mine have decided to join the external union namely United Mine Workers Union. Opponent has taken lead in formation of the said union therefore the management has issued the order of transfer to victimize him for his activities of trade union as he has taken lead to form new union along with some other workers. The order of transfer was issued on 14/8/2007. It was received to the worker on 15/8/2007. It was issued with malafied intension and merely to victimize the workman. The workman and some others who have joined the external union were transferred to Karnataka. No workman was transferred who belong to the management's sponsored union. The transfer order amounts to alteration of service conditions of the workman. Transfer order was issued to put up pressure on the workman.

4. Therefore the workman and other did not join their new posting in the Karnataka state. After the workman was served with the chargesheet, dated 13/11/2007, he filed reply thereto and requested the General Manager, Mines to supply copies of the documents and copies of certified standing orders on which the chargesheet was based. However copies of the documents were not supplied to him. The workman also filed his say to the chargesheet-cum-notice dt. 28/12/2007. It was issued merely to victimize the workman. The place of inquiry was fixed 450 kms. away from the place of his appointment and the head office of the company. The workman requested to change the place of inquiry at the head office. The workman was again served with chargesheet-cum-notice of inquiry dated 8/1/2008. The workman replied and requested the inquiry officer for change of place of inquiry at his office at Ponda Goa as inquiry officer was from Ponda, Goa. He had also sought for fifteen days' time.

5. The workman was not allowed to be represented by the General Secretary of their union whereas management was represented by experienced and legally trained persons. No opportunity was given to the workman to defend himself. The inquiry was conducted ex-parte. The inquiry officer acted as an agent of the management. He did not follow the principles of natural justice. He closed the ex-parte inquiry in two sittings. The findings of the inquiry officer are not based on the evidence on record. The inquiry is not fair and proper. The findings of the Inquiry officer are perverse. Therefore the workman prays that the application be rejected with cost.

6. Following are the points for my determination. I record my findings thereon for the reasons to follow:

Points	Findings
1. whether the inquiry and findings of inquiry officer are fair and proper?	No.
2. Whether permission/ approval for the action of termination of services of workman can be granted?	Yet to be determined.
3. What order?	As per order below.

REASONS

Point No. 1:—

7. In respect of inquiry, the fact is not disputed that the inquiry herein was conducted exparte. He workman though was served with the chargesheet he did not take part in the inquiry proceeding. According to him, the place of inquiry was 450 kms away from Goa. Therefore he had requested the inquiry officer to change the place of inquiry to Ponda, Goa. According to the workman as he himself and some others were transferred far away at a place situated in Karnataka State, it was to harass and victimize them as they have joined the external union. He further submitted that though the workman was absent, the inquiry officer ought to have followed the due procedure while conducting the inquiry. Instead of that the inquiry officer has concluded the inquiry within two sittings. He did not follow the procedure and principles of natural justice.

8. In this respect the Id adv for the applicant submitted that affidavit of inquiry officer is on record at Ex-8 wherein it is contended that the amended chargesheet dated 8/1/2008 was served on the workman. He has further contended that he has conducted the inquiry according to the principles of natural justice. The Idadv submitted that the inquiry officer was holding a high position. He has no motive to give false evidence. Therefore his statement on oath should be accepted that the inquiry was conducted

by following the principles of natural justice. In support of his argument, the Idadev for the applicant resorted to Apex Court ruling in **Union of India V/s. Verma (T.R.) 1958 II LLJ SC 259** wherein the Hon'ble Court on the point of acceptance of statement of inquiry officer observed that;

".....there is no reason why the statement of Mr. Byrne should not be accepted as true. He was admittedly an officer holding an high position and it is not suggested that there was any motive for him to give false evidence."

However in the case at hand the facts are different and question of truthfulness of evidence of inquiry officer is not much relevant. In the case at hand, it is the fact that the opponent though was duly served with chargesheet, did not appear before the inquiry officer as the inquiry was kept far away from the place of his earlier work. Fact is also not disputed that the inquiry was proceeded ex parte as opponent did not take part in the inquiry proceeding. Therefore ratio laid down in this ruling is not attracted to the set of facts of the present case.

9. In this respect the Id. Adv. for the applicant submitted that in the application under Section 33 of I.D. Act, the Tribunal has to examine whether there was inquiry and view taken by the inquiry officer is possible. He further submitted that in application under Section 33, the scope of Industrial Tribunal is very limited. It cannot substitute its own judgement in place of the finding of Inquiry Officer. In support of his argument, the Id adv resorted to Apex Court ruling in **Cholan Roadways Ltd. V/s. G. Thirugnanasambandam 2005 III SCC 241** wherein on the point Hon'ble court observed that;

"It may be that considering this question may itself have arrived at different conclusion. It has however, no right to substitute its own judgement for the judgement in question. It has only got to consider whether the view taken is a possible view on the evidence on record."

10. In this respect the Id. Adv. for the opponent has rightly pointed out that the aforesaid ratio is not attracted to the set of facts of this case as the inquiry herein was proceeded ex parte. The aforesaid ratio is in respect of the finding of the inquiry officer where inquiry was concluded on merit. Therefore the ratio in the above ruling is not helpful to the applicant.

11. The inquiry was proceeded exparte. However the Id. Adv. for the applicant submitted that the opponent was duly served with the chargesheet and date of inquiry. He further pointed out that the opponent wilfully remained absent. Therefore the inquiry proceeding and findings of the inquiry officer cannot be challenged on that ground. In support of his argument, the Id. Adv. for the applicant resorted to Rajasthan High Court ruling in **Mohan Singh**

V/s. Jaipur Metal and Electricals Ltd., Jaipur 1996 LLR 448 wherein on the point of exparte inquiry and findings thereof, the Hon'ble Court observed that;

"In our view it is not open to him to raise his objection in appeal in as much as full opportunity was given to him. But he himself did not participate in the inquiry proceeding which went exparte."

12. In this respect the Id. Adv. for the opponent pointed out that though opponent wilfully remained absent, he had applied before the inquiry officer to change the place of inquiry which is 450 Kms away from the place of his work and from the place of head office of the company. The Id. Adv. for the opponent further pointed out that opponent had requested the inquiry officer to hold inquiry at Ponda, Goa near the head office of the applicant company. However inquiry officer had neglected his request and proceeded exparte. Therefore Id. Adv. submitted that the exparte inquiry and findings of Inquiry officer cannot be called fair and proper. In support of his argument, the Id. Adv. resorted to Andhra Pradesh High Court ruling in **A. Ramamurthy V/s A.P. Industrial Infrastructure Corporation, Hyderabad 2003 LLR 74** wherein the Hon'ble court observed that;

"Although a delinquent employee has not right to choose the place of inquiry, but conducting an inquiry at a place where witnesses are not residing and rejecting the request of delinquent employee by the inquiry officer will not be justified."

13. In the case at hand, the fact is not disputed that the opponent was transferred 450 Kms away from Ponda, Goa to the place of his new posting in the State of Karnataka. The opponent had also applied to the inquiry officer to change the place of inquiry and it should be held at Ponda, Goa. The fact is not disputed that after issuance of transfer order, on the very next day the opponent was relieved and he was asked to join the place of his new posting which is 450 Kms away from Ponda, Goa. Fact is not disputed that the opponent did not join his duty at the place of his new posting. The witnesses who have issued the order to transfer and who have served the order of transfer on the opponent and who served him the relieving order all are from Ponda, Goa. In the circumstances, the inquiry officer ought to have accepted the request of the opponent to change the place of inquiry to Ponda, Goa. The inquiry officer did not accept the request of the opponent, therefore, the opponent remained absent and the inquiry proceeded exparte. Such an inquiry cannot be called inquiry on merit. On the other hand, the inquiry officer proceeded exparte and recorded findings exparte. It was inquiry as opponent did not join the duty at the place of his transfer. Accordingly to the opponent, he and some others were victimised by the company as they have joined an external union. Therefore they were deliberately

transferred from Ponda, Goa to Karnataka State merely to harass and victimise them. In the circumstances and as the witnesses are from Ponda, Goa, in the light of above ruling inquiry officer committed mistake in rejecting the request of the opponent. In this back drop, the *ex parte* inquiry and findings thereon cannot be called fair and proper. The inquiry was conducted in violation of principles of natural justice as inquiry officer did not allow the opponent to take part in the inquiry proceeding by rejecting his application to hold inquiry at Ponda, Goa. Accordingly, I hold that the inquiry was not fair and proper. Consequently, I also hold that the findings of inquiry officer are perverse. Accordingly, I decide this point no. 1 in the negative.

Point nos. 2&3:—

14. As the inquiry is held not fair and proper and findings of inquiry officer are found to be perverse, as discussed in point no. 1 herein above, the question of granting approval for termination of service of the opponent does not arise. Now the question is whether the applicant can be given an opportunity to lead evidence against the opponent. In this respect the Id. adv. for the opponent pointed out that the applicant has not alternatively prayed in the application to allow them to lead evidence, therefore the Tribunal should not direct the applicant company to adduce evidence. In support of his argument, the Id. Adv. cited Apex Court ruling in **Shankar Chakravarthy V/s. Britannia Biscuits Co. Ltd. AIR 1979 SC 1652** wherein on the point the Hon'ble Apex Court observed that;

"In the alternative it must be pleaded that if the Labour Court or Industrial Tribunal comes to the conclusion that either there was not inquiry or the one held was defective, the employer would adduce evidence to substantiate the charges of misconduct alleged against the workman. Now if no such pleading is put forth, either at the initial stage or during the pendency of the proceedings, there arise no question of a sort of advisory role of the Labour Court or Industrial Tribunal, unintended by the Act to advise the employer, a party much better off than the workman to inform it about its rights namely the right to lead additional evidence and then given an opportunity which was never sought. This runs counter to the grain of industrial jurisprudence."

15. In the case at hand, though there is no alternative prayer in the application, however in the Rejoinder of the applicant at Ex-6, such an alternative prayer is made to allow them to lead evidence in support of the charges, in the event the inquiry and findings therein are set aside by the Tribunal. As there is prayer in the affidavit, the ratio in the above ruling is not attracted. Thus it proper to allow the applicant to lead their evidence in respect of the charges levelled against the Opponent. Thus I proceed to pass the following order:

ORDER

The inquiry is held not fair and proper and findings of inquiry officer are also declared as perverse.

The applicant is allowed to lead their evidence against the opposite party on 23/09/2011 at 10.30 a.m. in the Conference Hall of Mormugao Port Trust Guest House, Mormugao, Goa.

Date: 01.08.2011

K.B. Katake, Presiding Officer/Judge

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3551.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी गोव लिमिटेड (पणजी गोवा) के प्रबंधित तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायलय नं 2 मुम्बई के पंचाट (संदर्भ संख्या 3/ 2008 को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फाइल सं० एल-29011/19/2007-आई आर (एम)]

जोहन तोपनो, अवसर सचिव

New Delhi, the 15th November, 2011

S.O. 3551.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2008.....) of the Central Government Industrial Tribunal/Labour Court 2 Mumbai.....now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sesa Goa Ltd (Panaji Goa) and their workman, which was received by the Central Government on...15/11/2011

[File No. L-29011/19/2007 - IR(M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2 MUMBAI**

PRESENT

K.B. KATAKE
Presiding Officer

APPLICATION CGIT-2/3 OF 2008
(Arising out of Ref. CGIT-2/15 of 2008)

PARTIES:—

Their Director—Production & Logistics
Sesa Goa Ltd.
Sesa Ghor
20, EDC Complex
Patto, Panaji
Goa.

: **APPLICANT**

V/S.

Mr. Devidas M. Gaonkar

Gawal

Bandel

Kirlapal

Dabal

Goa.

: **OPPONENT****APPEARANCES:**

For the Applicant : Mr. Girish Sardessai
Advocate.

For the Opposite Party : Mr. P. Gaonkar,
Representative.

Mumbai, dated the 1st August, 2011.

JUDGEMENT PART-I

1. The applicant Sesa Goa Ltd has filed this application under Section 33 (2) b of the Industrial Disputes Act. According to the applicant, opponent Mr. Devidas M. Gaonkar was working with the company at its unit at Goa. By letter dated 19/09/2007 he was transferred to the company's unit at A. Narrain Mines, Megalhalli, Karnataka. The workman was supposed to report at the place of his transfer on 21/08/2007 at 9.00 a.m. Accordingly he was relieved from the duties at Sesa Goa Ltd. Codli Mines from 16.08.2007. Mr. D.M. Gaonkar was advised that the G.M. Mining at A. Narrain Mines was to assist him in obtaining appropriate accommodation. They had also offered him TA advance of Rs.4000/-. Though opponent was relieved on 19.09.2007 and he was supposed to report on 24.09.2007. However till the date of filing of application he has not joined his duties at A. Narrain Mines in the state of Karnataka. Therefore the opponent was chargesheeted *vide* their letter dt. 28.12.2007. As there was some error in the chargesheet, fresh chargesheet cum inquiry letter was issued to the opponent on 8/1/2008. He was chargesheeted for the misconduct of willful insubordination or disobedience of lawful and reasonable order of a superior (Under clause 14 (3) (A) of the Model Standing Order). He was also charged under clause 14 (3) (E) for habitual absence without leave or absence without leave for more than 10 days.

2. The inquiry was conducted by an impartial inquiry officer. Every opportunity was given to the opponent to appear for the inquiry and defend himself. The inquiry officer submitted his report and findings dated 3/2/2008 and after appreciating the facts of the case held opponent guilty of the charges leveled against him. The applicant has accepted the report and findings of the inquiry officer. A showcause notice 8/2/2008 was issued to the opponent as to why he should not be dismissed from service. The opponent submitted his reply dt. 14/2/2008. His reply was not found satisfactory. Therefore the management has

decided to dismiss the opponent from service. As reference no. L-29011/19/2007-IR dt. 6/2/2008 is pending before Industrial Tribunal, therefore by way of abundant precaution the management has filed this application for permission to the proposed action of dismissal of the opponent. In short they have prayed for approval to the action of dismissal of the opponent.

3. The opponent workman resisted the approval application *vide* his written statement at Ex-4. According to his the vast majority of workman of Sesa Goa Ltd. working at Codli Mine have decided to join the external union namely United Mine Workers Union. Opponent has taken lead in formation of the said union therefore the management has issued the order of transfer to victimize him for his activities of trade union as he has taken lead to form new union along with some other workers. The order of transfer was issued on 17/9/2007. It was received to the worker on 19/9/2007. It was issued with malafied intension and merely to victimize the workman. The workman and some others who have joined the external union were transferred to Karnataka. No workman was transferred who belong to the management's sponsored union. The transfer order amount to alteration of service conditions of the workman. Transfer order was issued to put up pressure on the workman.

4. Therefore the workman and other did not join their new posting in the Karnataka state. After the workman was served with the chargesheet, dated 13/11/2007, he filed reply thereto and requested the General Manager, Mines to supply copies of the documents and copies of certified standing orders on which the chargesheet was based. However copies of the documents were not supplied to him. The workman also filed his say to the chargesheet-cum-notice dt. 28/12/2007. It was issued merely to victimize the workman. The place of inquiry was fixed 450 kms. away from the place of his appointment and the head office of the company. The workman requested to change the place of inquiry at the head office. The workman was again served with chargesheet-cum-notice of inquiry dated 7/1/2008. The workman replied and requested the inquiry officer for change of place of inquiry at his office at Ponda Goa as Inquiry officer was from Ponda, Goa. he had also sought for fifteen days' time.

5. The workman was not allowed to be represented by the General Secretary of their union whereas management was represented by experienced and legally trained persons. No opportunity was given to the workman to defend himself. The inquiry was conducted *ex-parte*. The inquiry officer acted as an agent of the management. He did not follow the principles of natural justice. He closed the *ex-parte* inquiry in two sittings. The findings of the inquiry officer are not based on the evidence on record. The inquiry is not fair and proper. The findings of the Inquiry officer are perverse. Therefore the workman prays that the applications be rejected with cost.

6. Following are the points for my determination. I record my findings thereon for the reasons to follow:

App/Appln/CGIT-2/3 of 2008

in Ref. CGIT-2/15 of 2008

Points	Findings
1. Whether the inquiry and findings of inquiry officer are fair and proper?	No.
2. Whether permission/ approval for the action of termination of services of workman can be granted?	Yet to be determined.
3. What order?	As per order below:

REASONS

Point no. 1:—

7. In respect of inquiry, the fact is not disputed that the inquiry herein was conducted exparte. The workman though was served with the chargesheet he did not take part in the inquiry proceedings. According to him, the place of inquiry was 450 kms away from Goa. Therefore he had requested the inquiry officer to change the place of inquiry to Ponda, Goa. According to the workman as he himself and some others were transferred far away at a place situated in Karnataka State, it was to harass and victimize them as they have joined the external union. He further submitted that though the workman was absent, the inquiry officer ought to have followed the due procedure while conducting the inquiry. Instead of that the inquiry officer has concluded the inquiry within two sittings. He did not follow the procedure and principles of natural justice.

8. In this respect the Id adv for the applicant submitted that affidavit of inquiry officer is on record at Ex-8 wherein it is contended that the amended chargesheet dated 8/1/ 2008 was served on the workman. He has further contended that he has conducted the inquiry according to the principles of natural justice. The Id adv submitted that the inquiry officer was holding a high position. He has no motive to give false evidence. Therefore his statement on oath should be accepted that the inquiry was conducted by following the principles of natural justice. In support of his argument, the Id adv for the applicant resorted to Apex Court ruling in **Union of India V/s. Verma (T.R.) 1958 II LLJ SC 259** wherein the Hon'ble Court on the point of acceptance of statement of inquiry officer observed that;

".....there is no reason why the statement of Mr. Byne should not be accepted as true. He was admittedly an officer holding an high position and it is not suggested that there was any motive for him to give false evidence."

However in the case at hand the facts are different and question of truthfulness of evidence of inquiry officer is not much relevant. In the case at hand, it is the fact that the opponent though was duly served with chargesheet, did not appear before the inquiry officer as the inquiry was kept far away from the place of his earlier work. Fact is also not disputed that the inquiry was proceeded exparte as opponent did not take part in the inquiry proceedings. Therefore ratio laid down in this ruling is not attracted to the set of facts of the present case.

9. In this respect the Id. Adv. for the applicant submitted that in the application under Section 33 of I.D. Act, the Tribunal has to examine whether there was inquiry and view taken by the inquiry officer is possible. He further submitted that in application under Section 33, the scope of Industrial Tribunal is very limited. It cannot substitute its own judgement in place of the finding of Inquiry Officer. In support of his argument, the Idadv resorted to Apex Court ruling in **Cholan Roadways Ltd. V/s. G. Thirugnansambandam 2005 III SCC 241** wherein on the point Hon'ble court observed that;

"It may be that considering this question may itself have arrived at different conclusion. It has however, no right to substitute its own judgement for the judgement in question. It has only got to consider whether the view taken is a possible view on the evidence on record."

10. In this respect the Id. Adv. for the opponent has rightly pointed out that the aforesaid ratio is not attracted to the set of facts of this case as the inquiry herein was proceeded exparte. The aforesaid ratio is in respect of the finding of the inquiry officer where inquiry was concluded on merit. Therefore the ratio in the above ruling is not helpful to the applicant.

11. The inquiry was proceeded exparte. However, the Id. Adv. for the applicant submitted that the opponent was duly served with the chargesheet and date of inquiry. He further pointed out that the opponent wilfully remained absent. Therefore the inquiry proceeding and findings of the inquiry officer cannot be challenged on that ground. In support of his argument, the Id. Adv. for the applicant resorted to Rajasthan High Court ruling in **Mohan Singh V/s. Jaipur Metal and Electricals Ltd. Jaipur 1996 LLR 448** wherein on the point of exparte inquiry and findings thereof, the Hon'ble Court observed that;

"In our view it is not open to him to raise his objection in appeal in as much as full opportunity was given to him. But he himself did not participate in the inquiry proceeding which went exparte."

12. In this respect the Id. Adv. for the opponent pointed out that though opponent wilfully remained absent, he had applied before the inquiry officer to change the

place of inquiry which is 450 Kms away from the place of his work and from the place of head office of the company. The Id. ADv. for the opponent further pointed out that opponent had requested the inquiry officer to hold inquiry at Ponda, Goa near the head office of the applicant company. However inquiry officer had neglected his request and proceeded exparte. Therefore Id. Adv. submitted that the exparte inquiry and finding of inquiry officer cannot be called fair and proper. In support of his argument, the Id. Adv. resorted to Andhra Pradesh High Court ruling in **A. Ramamurthy V/s. A.P. Industrial Infrastructure Corporation, Hyderabad 2003 LLR 74** wherein the Hon'ble court observed that;

"Although a delinquent employee has no right to choose the place of inquiry, but conducting an inquiry at a place where witnesses are not residing and rejecting the request of delinquent employee by the inquiry officer will not be justified."

13. In the case at hand, the fact is not disputed that the opponent was transferred 450 Kms away from Ponda Goa to the place of his new posting in the State of Karnataka. The opponent had also applied to the inquiry officer to change the place of inquiry and it should be held at Ponda, Goa. The fact is not disputed that after issuance of transfer order, on the very next day the opponent was relieved and he was asked to join the place of his new posting which is 450 Kms away from Ponda, Goa. Fact is not disputed that the opponent did not join his duty at the place of his new posting. The witnesses who have issued the order of transfer and who have served the order of transfer on the opponent and who served him the relieving order all are from Ponda, Goa. In the circumstances, the inquiry officer ought to have accepted the request of the opponent to change the place of inquiry to Ponda, Goa. The inquiry officer did not accept the request of the opponent, therefore, the opponent remained absent and the inquiry proceeded exparte. Such an inquiry cannot be called inquiry on merit. On the other hand, the inquiry officer proceeded exparte and recorded findings exparte. It was inquiry as opponent did not join the duty at the place of his transfer. According to the opponent, he and some others were victimised by the company as they have joined an external union. Therefore they were deliberately transferred from Ponda, Goa to Karnataka State merely to harass and victimise them. In the circumstances and as the witnesses are from Ponda, Goa, in the light of above ruling inquiry officer committed mistake in rejecting the request of the opponent. In this back drop, the exparte inquiry and findings thereon cannot be called fair and proper. The inquiry was conducted in violation of principles of natural justice as inquiry officer did not allow the opponent to take part in the inquiry proceeding by rejecting his application to hold inquiry at Ponda, Goa. Accordingly, I hold that the inquiry was not fair and proper. Consequently, I also hold

that the findings of inquiry officer are perverse. Accordingly, I decide this point no. 1 in the negative.

Point nos. 2 & 3:—

14. As the inquiry is held not fair and proper and finding of inquiry officer are found to be perverse, as discussed in point no. 1 herein above, the question of granting approval of termination of service of the opponent does not arise. Now the question is whether the applicant can be given an opportunity to lead evidence against the opponent. In this respect the Id. ADv. for the opponent pointed out that the applicant has not alternatively prayed in the application to allow them to lead evidence, therefore the Tribunal should not direct the applicant company to adduce evidence. In support of his argument, the Id. Adv. cited Apex Court ruling in **Shankar Chakravarthy V/s. Britannia Biscuits Co. Ltd. AIR 1979 SC 1652** wherein on the point the Hon'ble Apex Court observed that;

"In the alternative it must be pleaded that if the Labour Court or Industrial Tribunal comes to the conclusion that either there was no inquiry or the one held was defective, the employer would adduce evidence to substantiate the charges of misconduct alleged against the workman. Now if no such pleading is put forth, either at the initial stage or during the pendency of the proceedings, there arise no question of a sort of advisory role of the Labour Court or Industrial Tribunal, unintended by the Act to advise the employer, a party much better off than the workman to inform it about its rights namely the right to lead additional evidence and then give an opportunity which was never sought. This runs counter to the grain of industrial jurisprudence."

15. In the case at hand, though there is no alternative prayer in the application, however in the Rejoinder of the applicant at Ex-6, such an alternative prayer is made to allow them to lead evidence in support of the charges, in the event the inquiry and findings therein are set aside by the Tribunal. As there is prayer in the affidavit, the ratio in the above ruling is not attracted. Thus I think it proper to allow the applicant to lead their evidence in respect of the charges levelled against the Opponent. Thus I proceed to pass the following order:

ORDER

The inquiry is held not fair and proper and findings of inquiry officer are also declared as perverse.

The applicant is allowed to lead their evidence against the opposite party on 23/09/2011 at 10.30 a.m. in the Conference Hall of Mormugao Port Trust Guest House, Mormugao, Goa.

Date: 01.08.2011

Sd/-
K.B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3552.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी गोव लिमिटेड (पणजी गोवा) के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 मुम्बई के पंचाट (संदर्भ संख्या 4/2008 को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फा० सं० एल 29011/19/2007-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 15th November, 2011

S.O. 3552.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Re. No. 4/2008.....) of the Central Government Industrial Tribunal/Labour Court 2 Mumbai.... now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sesa Goa Ltd. (Panaji Goa) and their workman, which was received by the Central Government on ... 15/11/2011.

[F. No. L-29011/19/2007-IR(M)]

(JOHAN TOPNO), Under Secretary

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT****K.B. KATAKE**

Presiding Officer

APPLICATION CGIT-2/4 OF 2008

(Arising out of Ref. CGIT-2/15 OF 2008)

PARTIES:—

Their Director—Production & Logistics

Sesa Goa Ltd.

Sesa Ghor

20, EDC Complex

Patto, Panaji

Goa.

: **APPLICANT**

V/S.

Shri Suraj J. Naik

Upper Bazar

Bazamal

Ponda

Goa.

: **OPPONENT****APPEARANCES:**For the Applicant : Mr. Girish Sardesai
Advocate.For the Opposite Party : Mr. P. Gaonkar,
Representative.

Mumbai, dated the 1st August, 2011.

JUDGEMENT PART - I

1. The applicant Sesa Goa Ltd. has filed this application under Section 33 (2) b of the Industrial Disputes Act. According to the applicant, opponent Shri Suraj. J. Naik was working with the company at its unit at Goa. By letter dated 08/08/2007 he was transferred to the company's unit at A. Narrain Mines, Megalahalli, Karnataka. The workman was supposed to report at the place of his transfer on 13/08/2007 at 9.00 a.m. Accordingly he was relieved from the duties at Sesa Goa Ltd. Codli Mines from 08.08.2007. Mr. Naik was advised that the G.M. Mining at A. Narrain Mines was to assist him in obtaining appropriate accommodation. They has also offered him TA advance of Rs. 4000/-. Though opponent was relieved on 08.08.2007 and he was supposed to report on 13.08.2007. However till the date of filing of application he has not joined his duties at A. Narrain Mines in the state of Karnataka. Therefore the opponent was chargesheeted vide their letter dt. 28.12.2007. As there was some error in the chargesheet, fresh chargesheet cum inquiry letter was issued to the opponent on 8/1/2008. He was chargesheeted for the misconduct of willful insubordination or disobedience of lawful and reasonable order of a superior (Under clause 14(3)(a) of the Model Standing Order). He was also charged under clause 14(3)(e) for habitual absence without leave or absence without leave for more than 10 days.

2. The inquiry was conducted by an impartial inquiry officer. Every opportunity was given to the opponent to appear for the inquiry and defend himself. The inquiry officer submitted his report and findings dated 2/2/2008 and after appreciating the facts of the case held opponent guilty of the charges leveled against him. The applicant has accepted the report and findings of the inquiry officer. A showcause notice 8/2/2008 was issued to the opponent as to why he should not be dismissed from service. The opponent submitted his reply dt. 14/2/2008. His reply was not found satisfactory. Therefore the management has decided to dismiss the opponent from service. As reference no. L-29011/19/2007-IR dt. 6/2/2008 is pending before Industrial Tribunal, therefore by way of abundant precaution the management has filed this application for permission to the proposed action of dismissal of the opponent. In short they have prayed for approval to the action of dismissal of the opponent.

3. The opponent workman resisted the approval application vide his written statement at Ex-4. According to him the vast majority of workman of Sesa Goa Ltd. working at Codli Mine have decided to joint the external union namely United Mine Workers Union. Opponent has taken lead in formation of the said union therefore the management has issued the order of transfer to victimize him for his activities of trade union as he has taken lead to form new union along with some other workers. The order of transfer was issued on 07/08/2007. It was issued with malafied intension and merely to victimize the workman. The workman and some others who have joined the external union were transferred to Karnataka. No workman was transferred who belong to the management's sponsored union. The transfer order amounts to alteration of service conditions of the workman. Transfer order was issued to put up pressure on the workman.

4. Therefore the workman and other did not join their new posting in the Karnataka state. After the workman was served with the chargesheet, dated 13/11/2007, he filed reply thereto and requested the General Manager, Mines to supply copies of the documents and copies of certified standing orders on which the chargesheet was based. However copies of the documents were not supplied to him. The workman also filed his say to the chargesheet-cum-notice dt. 28/12/2007. It was issued merely to victimize the workman. The place of inquiry was fixed 450 kms. away from the place of his appointment and the head office of the company. The workman requested to change the place of inquiry at the head office. The workman was again served with chargesheet-cum-notice of inquiry dated 7/1/2008. The workman replied and requested the inquiry officer for change of place of inquiry at his office at Ponda Goa as Inquiry Officer was from Ponda, Goa. He had also sought for fifteen days' time.

5. The workman was not allowed to be represented by the General Secretary of their union whereas management was represented by experienced and legally trained persons. No opportunity was given to the workman to defend himself. The inquiry was conducted ex-parte. The inquiry officer acted as an agent of the management. He did not follow the principles of natural justice. He closed the ex-parte inquiry in two sittings. The findings of the inquiry officer are not based on the evidence on record. The inquiry is not fair and proper. The findings of the Inquiry officer are perverse. Therefore the workman prays that the application be rejected with cost.

6. Following are the points for my determination. I record my findings thereon for the reasons to follow:

Points	Findings
1. Whether the inquiry and findings of inquiry officer are fair and proper?	No.

2. Whether permission/ approval for the action of termination of services of workman can be granted? Yet to be determined.

3. What order? As per order below.

App/Apln/CGIT-2/4 of 2008

in Ref. CGIT-2/15 of 2008

REASONS

Point no. 1:-

7. In respect of inquiry, the fact is not disputed that the inquiry herein was conducted exparte. The workman though was served with the chargesheet he did not take part in the inquiry proceeding. According to him, the place of inquiry was 450 kms away from Goa. Therefore he had requested the inquiry officer to change the place of inquiry to Ponda, Goa. According to the workman as he himself and some others were transferred far away at a place situated in Karnataka State, it was to harass and victimize them as they joined the external union. He further submitted that though the workman was absent, the inquiry officer ought to have followed the due procedure while conducting the inquiry. Instead of that the inquiry officer has concluded the inquiry within two sittings. He did not follow the procedure and principles of natural justice.

8. In this respect the Id. adv. for the applicant submitted that affidavit of inquiry officer is on record at Ex-8 wherein it is contended that the amended chargesheet dated 8/1/2008 was served on the workman. He has further contended that he has conducted the inquiry according to the principles of natural justice. The Id. adv. submitted that the inquiry officer was holding a high position. He has no motive to give false evidence. Therefore his statement on oath should be accepted that the inquiry was conducted by following the principles of natural justice. In support of his argument, the Id. adv. for the applicant resorted to Apex Court ruling in **Union of India V/s. Verma (T.R) 1958 II LLJ SC 259** wherein the Hon'ble Court on the point of acceptance of statement of inquiry officer observed that;

".....there is no reason why the statement of Mr. Byrne should not be accepted as true. He was admittedly an officer holding an high position and it is not suggested that there was any motive for him to give false evidence".

However in the case at hand the facts are different and question of truthfulness of evidence of inquiry officer is not much relevant. In the case at hand, it is the fact that the opponent though was duly served with chargesheet, did not appear before the inquiry officer as the inquiry was kept far away from the place of his earlier work. Fact is also not disputed that the inquiry was proceeded exparte

as opponent did not take part in the inquiry proceeding. Therefore ratio laid down in the ruling is not attracted to the set of facts of the present case.

9. In this respect the Id Adv. for the applicant submitted that in the application under Section 33 of I.D. Act, the Tribunal has to examine whether there was inquiry and view taken by the inquiry officer is possible. He further submitted that in application under Section 33, the scope of Industrial Tribunal is very limited. It cannot substitute its own judgement in place of the finding of Inquiry Officer. In support of his argument, the Idadv resorted to Apex Court ruling in **Cholan Roadways Ltd. V/s. G. Thiruganasambandam 2005 III SCC 241** wherein on the point Hon'ble court observed that;

"It may be that considering this question may itself have arrived at different conclusion. It has however, no right to substitute its own judgement for the judgement in question. It has only got to consider whether the view taken is a possible view on the evidence on record".

10. In this respect the Id. Adv. for the opponent had rightly pointed out that the aforesaid ratio is not attracted to the set facts of this case as the inquiry herein was proceeded exparte. The aforesaid ratio is in respect of the finding of the inquiry officer where inquiry was concluded on merit. Therefore the ratio in the above ruling is not helpful to the applicant.

11. The inquiry was proceeded exparte. However the Id. Adv. for the applicant submitted that the opponent was duly served with the chargesheet and date of inquiry. He further pointed out that the opponent wilfully remained absent. Therefore the inquiry proceeding and findings of the inquiry officer cannot be challenged on that ground. In support of his argument, the Id. Adv. for the applicant resorted to Rajasthan High Court ruling in **Mohan Singh V/s. Jaipur Metal and Electricals Ltd. Jaipur 1996 LLR 448** wherein on the point of exparte inquiry and findings thereof, the Hon'ble Court observed that;

"In our view it is not open to him to raise his objection in appeal in as much as full opportunity was given to him. But he himself did not participate in the inquiry proceeding which went exparte."

12. In this respect the Id. Adv. for the opponent pointed out that though opponent wilfully remained absent, he had applied before the inquiry officer to change the place of inquiry which is 450 Kms away from the place of his work and from the place of head office of the company. The Id. Adv. for the opponent further pointed out that opponent had requested the inquiry officer to hold inquiry at Ponda, Goa near the head office of the applicant company. However inquiry officer had neglected his request and proceeded exparte. Therefore Id. Adv. submitted that the

exparte inquiry and findings of Inquiry officer cannot be called fair and proper. In support of his argument, the Id. Adv. resorted to Andhra Pradesh High Court ruling in **A. Ramamurthy V/s. A.P. Industrial Infrastructure Corporation, Hyderabad 2003 LLR 74** wherein the Hon'ble court observed that;

"Although a delinquent employee has no right to choose the place of inquiry, but conducting an inquiry at a place where witnesses are not residing and rejecting the request of delinquent employee by the inquiry officer will not be justified."

13. In the case at hand, the fact is not disputed that the opponent was transferred 450 Kms away from Ponda Goa to the place of his new posting in the State of Karnataka. The opponent had also applied to the inquiry officer to change the place of inquiry and it should be held at Ponda, Goa. The fact is not disputed that after issuance of transfer order, on the very next day the opponent was relieved and he was asked to join the place of his new posting which is 450 Kms away from Ponda, Goa. Fact is not disputed that the opponent did not join his duty at the place of his new posting. The witnesses who have issued the order of transfer and who have served the order of transfer on the opponent and who served him the relieving order all are from Ponda, Goa. In the circumstances, the inquiry officer ought to have accepted the request of the opponent to change the place of inquiry to Ponda, Goa. The inquiry officer did not accept the request of the opponent, therefore, the opponent remained absent and the inquiry proceeded exparte. Such an inquiry cannot be called inquiry on merit. On the other hand, the inquiry officer proceeded exparte and recorded findings exparte. It was inquiry as opponent did not join the duty at the place of his transfer. According to the opponent, he and some others were victimised by the company as they have joined an external union. Therefore they were deliberately transferred from Ponda, Goa to Karnataka State merely to harass and victimise them. In the circumstances and as the witnesses are from Ponda, Goa, in the light of above ruling inquiry officer committed mistake in rejecting the request of the opponent. In this back drom, the exparte inquiry and findings thereon cannot be called fair and proper. The inquiry was conducted in violation of principles of natural justice as inquiry officer did not allow the opponent to take part in the inquiry proceeding by rejecting his application to hold inquiry at Ponda, Goa. Accordingly, I hold that the inquiry was not fair and proper. Consequently, I also hold that the findings of inquiry officer are perverse. Accordingly, I decide this point no. 1 in the negative.

Points nos. 2 & 3:—

14. As the inquiry is held not fair and proper and findings of inquiry officer are found to be perverse, as discussed in point no. 1 herein above, the question of

granting approval for termination of service of the opponent does not arise. Now the question is whether the applicant can be given an opportunity to lead evidence against the opponent. In this respect the Idadv for the opponent point out that the applicant has not alternatively prayed in the application to allow them to lead evidence, therefore the Tribunal should not direct the applicant company to adduce evidence. In support of his argument, the Id. Adv. cited Apex Court ruling in **Shankar Chakravarthy V/s. Britannia Biscuits Co. Ltd. AIR 1979 SC 1652** wherein on the point the Hon'ble Apex Court observed that:

"In the alternative it must be pleaded that if the Labour Court or Industrial Tribunal comes to the conclusion that either there was no inquiry or the one held was defective, the employed would adduce evidence to substantiate the charges of misconduct alleged against the workman. Now if no such pleading is put forth, either at the initial stage or during the pendency of the proceedings, there arise no question of a sort of advisory role of the Labour Court or Industrial Tribunal, unintended by the Act to advise the employer, a party much better off than the workman to inform it about its rights namely the right to lead additional evidence and then give an opportunity which was never sought. This runs counter to the grain of industrial jurisprudence."

15. In the case at hand, though there is no alternative prayer in the application, however in the Rejoinder of the applicant at Ex-6, such an alternative prayer is made to allow them to lead evidence in support of the charges, in the event the inquiry and findings therein are set aside by the Tribunal. As there is prayer in the affidavit, the ratio in the above ruling is not attracted. Thus I think it proper to allow the applicant to lead their evidence in respect of the charges levelled against the Opponent. Thus I proceed to pass the following order:

ORDER

The inquiry is held not fair and proper and findings of inquiry officer are also declared as perverse.

The applicant is allowed to lead their evidence against the opposite party on 23/09/2011 at 10.30 a.m. in the Conference Hall of Mormugao Port Trust Guest House, Mormugao, Goa.

Date: 01.08.2011

Sd/-

K.B. KATAKE,
Presiding Officer/Judge

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3553.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय

सरकार मैसर्स सी गोव लिमिटेड (पणजी गोवा) के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 2 मुम्बई के पंचाट (संदर्भ संख्या 5/2008 को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फा० सं० एल-29011/19/2007-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 15th November, 2011

S.O. 3553—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.5/2008) of the Central Government Industrial Tribunal/Labour Court 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sesa Goa Ltd. (Panaji Goa) and their workman, which was received by the Central Government on 15/11/2011.

[F. No. L-29011/19/2007-IR (M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B. KATAKE
Presiding Officer

APPLICATION CGIT-2/5 OF 2008
(Arising out of Ref. CGIT-2/15 of 2008)

PARTIES:

Their Director—Production & Logistics
Sesa Goa Ltd.
Sesa Ghor
20, EDC Complex
Patto, Panaji : **APPLICANT**
V/S.

Mr. Gokuldas Raikar
House no. 564
Kery Rivona
Goa. : **OPPONENT**

APPEARANCES:

For the Applicant : Mr. Girish Sardesai
Advocate
For the Opposite Party : Mr. P. Gaonkar,
Representative.

Mumbai, dated the 1st August, 2011

JUDGEMENT PART-I

1. The applicant Sesa Goa Ltd. has filed this application under Section 33 (2) b of the Industrial Disputes Act. According to the applicant, opponent Mr. Gokuldas Raikar was working with the company at its unit at Goa. By letter dated 12/11/2007 he was transferred to the company's unit at A. Narain Mines, Megalahalli, Karnataka. The workman was supposed to report at the place of his transfer on 17/11/2007 at 9.00 a.m. Accordingly he was relieved from the duties at Sesa Goa Ltd. Codi Mines from 12.11.2007. Mr. Gokuldas Raikar was advised that the G.M. Mining at A. Narain Mines was to assist him in obtaining appropriate accommodation. They had also offered him TA advance of Rs. 4000/- Though opponent was relieved on 12.11.2007 and he was supposed to report on 21.08.2007. However till the date of filing of application he has not joined his duties at A. Narain Mines in the state of Karnataka. Therefore the opponent was chargesheeted vide their letter dt. 31.12.2007. As there was some error in the chargesheet, fresh chargesheet cum inquiry letter was issued to the opponent on 8/1/2008. He was chargesheeted for the misconduct of willful insubordination or disobedience of lawful and reasonable order of a superior (Under clause 14 (3) (A) of the Model Standing Order). He was also charged under clause 14 (3) (E) for habitual absence without leave or absence without leave for more than 10 days.

2. The inquiry was conducted by an impartial inquiry officer. Every opportunity was given to the opponent to appear for the inquiry and defend himself. The inquiry officer submitted his report and findings dated 4/2/2008 and after appreciating the facts of the case held opponent guilty of the charges leveled against him. The applicant has accepted the report and findings of the inquiry officer. A showcause notice 8/2/2008 was issued to the opponent as to why he should not be dismissed from service. The opponent submitted his reply dt. 14/2/2008. His reply was not found satisfactory. Therefore the management has decided to dismiss the opponent from service. As reference no. L-29011/19/2007-IR dt. 6/2/2008 is pending before Industrial Tribunal, therefore by way of abundant precaution the management has filed this application for permission to the proposed action of dismissal of the opponent. In short they have prayed for approval to the action of dismissal of the opponent.

3. The opponent workman resisted the approval application *vide* his written statement at Ex-4. According to him the vast majority of workman of Sesa Goa Ltd. working at Codli Mine have decided to join the external union namely United Mine Workers Union. Opponent has taken lead in formation of the said union therefore the management has issued the order of transfer to victimize him for his activities of trade union as he has taken lead to

from new union along with some other workers. The order of transfer was issued on 09/11/2007. It was received to the worker on 12/11/2007. It was issued with mala fide intention and merely to victimize the workman. The workman and some others who have joined the external union were transferred to Karnataka. No workman was transferred who belong to the management's sponsored union. The transfer order amounts to alteration of service conditions of the workman. Transfer order was issued to put up pressure on the workman.

4. Therefore the workman and other did not join their new posting in the Karnataka state. After the workman was served with the chargesheet, dated 09/11/2007, he filed reply thereto and requested the General Manager, Mines to supply copies of the documents and copies of certified standing orders on which the chargesheet was based. However copies of the documents were not supplied to him. The workman also filed his say to the chargesheet-cum-notice dt. 28/12/2007. It was issued merely to victimize the workman. The place of inquiry was fixed 450 kms. away from the place of his appointment and the head office of the company. The workman requested to change the place of inquiry at the head office. The workman was again served with chargesheet-cum-notice of inquiry dated 8/2/2008. The workman replied and requested the inquiry officer for change of place of inquiry at his office at Ponda Goa as Inquiry officer was from Ponda, Goa. He had also sought for fifteen days' time.

5. The workman was not allowed to be represented by the General Secretary of their union whereas management was represented by experienced and legally trained persons. No opportunity was given to the workman to defend himself. The inquiry was conducted ex-parte. The inquiry officer acted as an agent of the management. He did not follow the principles of natural justice. He closed the ex-parte inquiry in two sittings. The findings of the inquiry officer are not based on the evidence on record. The inquiry is not fair and proper. The findings of the inquiry officer are perverse. Therefore the workman prays that the application be rejected with cost.

6. Following are the points for my determination. I record my findings thereon for the reasons to follow:

Points	Findings
1. Whether the inquiry and findings of inquiry officer are fair and proper?	No.
2. Whether permission/ approval for the action of termination of services of workman can be granted?	Yet to be determined.
3. What order?	As per order below.

REASONS**Point no. 1:—**

7. In respect of inquiry, the fact is not disputed that the inquiry herein was conducted *exparte*. The workman though was served with the chargesheet he did not take part in the inquiry proceeding. According to him, the place of inquiry was 450 kms. away from Goa. Therefore he had requested the inquiry officer to change the place of inquiry to Ponda, Goa. According to the workman as he himself and some others were transferred far away at a place situated in Karnataka State, it was to harass and victimize them as they have joined the external union. He further submitted that though the workman was absent, the inquiry officer ought to have followed the due procedure while conducting the inquiry. Instead of that the inquiry officer has concluded the inquiry within two sittings. He did not follow the procedure and principles of natural justice.

8. In this respect the Idadv for the applicant submitted that affidavit of inquiry officer is on record at Ex-9 wherein it is contended that the amended chargesheet dated 8/1/2008 was served on the workman. He has further contended that he has conducted the inquiry according to the principles of natural justice. The Idadv submitted that the inquiry officer was holding a high position. He has no motive to give false evidence. Therefore his statement on oath should be accepted that the inquiry was conducted by following the principles of natural justice. In support of his argument, the Idadv for the applicant resorted to Apex Court ruling in *Union of India V/s. Verma (T.R.) 1958 II LLJ SC 259* wherein the Hon'ble Court on the point of acceptance of statement of inquiry officer observed that;

".....there is no reason why the statement of Mr. by me should not be accepted as true. He was admittedly an officer holding an high position and it is not suggested that there was any motive for him to give false evidence."

However in the case at hand the facts are different and question of truthfulness of evidence of inquiry officer is not much relevant. In the case at hand, it is the fact that the opponent though was duly served with chargesheet, did not appear before the inquiry officer as the inquiry was kept far away from the place of his earlier work. Fact is also not disputed that the inquiry was proceeded *exparte* as opponent did not take part in the inquiry proceeding. Therefore ratio laid down in this ruling is not attracted to the set of facts of the present case.

9. In this respect the Id. Adv. for the applicant submitted that in the application under Section 33 of I.D. Act, the Tribunal has to examine whether there was inquiry and view taken by the inquiry officer is possible. He further submitted that in application under Section 33, the scope of Industrial Tribunal is very limited. It cannot substitute

its own judgement in place of the finding of Inquiry Officer. In support of his argument, the Idadv resorted to Apex Court ruling in *Cholan Roadways Ltd. V/s. G. Thirugnanasambandam 2005 III SCC 241* wherein on the point Hon'ble court observed that:

"It may be that considering this question may itself have arrived at different conclusion. It has however, no right to substitute its own judgement for the judgement in question. It has only got to consider whether the view taken is a possible view on the evidence on record."

10. In this respect the Id. Adv. for the opponent has rightly pointed out that the aforesaid ratio is not attracted to the set of facts of this case as the inquiry herein was proceeded *exparte*. The aforesaid ratio is in respect of the finding of the inquiry officer where inquiry was concluded on merit. Therefore the ratio in the above ruling is not helpful to the applicant.

11. The inquiry was proceeded *exparte*. However the Id. Adv. for the applicant submitted that the opponent was duly served with the chargesheet and date of inquiry. He further pointed out that the opponent wilfully remained absent. Therefore the inquiry proceeding and findings of the inquiry officer cannot be challenged on that ground. In support of his argument, the Id. Adv. for the applicant resorted to Rajasthan High Court ruling in *Mohan Singh V/s. Jaipur Metal and Electricals Ltd. Jaipur 1996 LLR 448* wherein on the point of *exparte* inquiry and findings thereof, the Hon'ble Court observed that;

"In our view it is not open to him to raise his objection in appeal in as much as full opportunity was given to him. But he himself did not participate in the inquiry proceeding which went *exparte*."

12. In this respect the Id. Adv. for the opponent pointed out that though opponent wilfully remained absent, he had applied before the inquiry officer to change the place of inquiry which is 450 Kms. away from the place of his work and from the place of head office of the company. The Id. Adv. for the opponent further pointed out that opponent had requested the inquiry officer to hold inquiry at Ponda, Goa near the head office of the applicant company. However inquiry officer had neglected his request and proceeded *exparte*. Therefore Id. Adv. submitted that the *exparte* inquiry and findings of Inquiry officer cannot be called fair and proper. In support of his argument, the Id. Adv. resorted to Andhra Pradesh High Court ruling in *A. Ramamurthy V/s. A.P. Industrial Infrastructure Corporation, Hyderabad 2003 LLR 74* wherein the Hon'ble court observed that:

"Although a delinquent employee has no right to choose the place of inquiry, but conducting an inquiry at a place where witnesses are not residing

and rejecting the request of delinquent employee by the inquiry officer will not be justified."

13. In the case at hand, the fact is not disputed that the opponent was transferred 450 Kms. away from Ponda Goa to the place of his new posting in the State of Karnataka. The opponent had also applied to the inquiry officer to change the place of inquiry and it should be held at Ponda Goa. The fact is not disputed that after issuance of transfer order, on the very next day the opponent was relieved and he was asked to join the place of his new posting which is 450 Kms. away from Ponda, Goa. Fact is not disputed that the opponent did not join his duty at the place of his new posting. The witnesses who have issued the order of transfer and who have served the order of transfer on the opponent and who served him the relieving order all are from Ponda, Goa. In the circumstances, the inquiry officer ought to have accepted the request of the opponent to change the place of inquiry to Ponda, Goa. The inquiry officer did not accept the request of the opponent, therefore, the opponent remained absent and the inquiry proceeded ex parte. Such an inquiry cannot be called inquiry on merit. On the other hand, the inquiry officer proceeded ex parte and recorded findings ex parte. It was inquiry as opponent did not join the duty at the place of his transfer. According to the opponent, he and some others were victimised by the company as they have joined an external union. Therefore they were deliberately transferred from Ponda, Goa to Karnataka State merely to harass and victimise them. In the circumstances and as the witnesses are from Ponda, Goa, in the light of above ruling inquiry officer committed mistake in rejecting the request of the opponent. In this back drop, the ex parte inquiry and findings thereon cannot be called fair and proper. The inquiry was conducted in violation of principles of natural justice as inquiry officer did not allow the opponent to take part in the inquiry proceeding by rejecting his application to hold inquiry at Ponda, Goa. Accordingly, I hold that the inquiry was not fair and proper. Consequently, I also hold that the findings of inquiry officer are perverse. Accordingly, I decide this point no. 1 in the negative.

Point nos. 2 & 3:—

14. As the inquiry is held not fair and proper and findings of inquiry officer are found to be perverse, as discussed in point no. 1 herein above, the question of granting approval for termination of service of the opponent does not arise. Now the question is whether the applicant can be given an opportunity to lead evidence against the opponent. In this respect the Idadv for the opponent pointed out that the applicant has not alternatively prayed in the application to allow them to lead evidence, therefore the Tribunal should not direct the applicant company to adduce evidence. In support of his argument, the Id. Adv. cited Apex Court ruling in **Shankar Chakravathy V/s.**

Britannia Biscuits Co. Ltd. AIR 1979 SC 1652 wherein on the point the Hon'ble Apex Court observed that:

"In the alternative it must be pleaded that if the Labour Court or Industrial Tribunal comes to the conclusion that either there was no inquiry or the one held was defective, the employer would adduce evidence to substantiate the charges of misconduct alleged against the workman. Now if no such pleading is put forth, either at the initial stage or during the pendency of the proceedings, there arise no question of a sort of advisory role of the Labour Court or Industrial Tribunal, unintended by the Act to advise the employer, a party much better off than the workman to inform it about its rights namely the right to lead additional, evidence and then given an opportunity which was never sought. This runs counter to the grain of Industrial jurisprudence."

15. In the case at hand, though there is no alternative prayer in the application, however in the Rejoinder of the applicant at Ex-7, such an alternative prayer is made to allow them to lead evidence in support of the charges, in the event the inquiry and findings therein are set aside by the Tribunal. As there is prayer in the affidavit, the ratio in the above ruling is not attracted. Thus I think it proper to allow the applicant to lead their evidence in respect of the charges levelled against the opponent. Thus I proceed to pass the following order:

ORDER

The inquiry is held not fair and proper and findings of inquiry officer are also declared as perverse.

The applicant is allowed to lead their evidence against the opposite party on 23/09/2011 at 10.30 a.m. in the Conference Hall of Mormugao Port Trust Guest House, Mormugao, Goa.

Date: 01.08.2011

K.B. Kataké,
Presiding Officer/Judge

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3554.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मुम्बई पोर्ट ट्रस्ट मुम्बई (मुम्बई) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 मुम्बई के पंचाट (संदर्भ संख्या 54/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फा सं एल 31011/30/2011-आई आर (एम)]
जोहन तोपनो, अवस सचिव

New Delhi the 15th November, 2011

AWARD

S.O. 3554.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No..... 54/2002.....) of the Central Government Industrial Tribunal/Labour Court-2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust (Mumbai) and their workman, which was received by the Central Government on 15.11.2011.

[No. L-31011/30/2001-IR(M)]

Johan Topno, Under Secretary.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 MUMBAI****PRESENT**

K.B. KATAKE
Presiding Officer

REFERENCE NO. CGIT-2/54/ of 2002**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF MUMBAI PORT TRUST**

1. The Chairman
Mumbai Port Trust
Shoorji Vallabhdas marg
Ballard Estate
Mumbai-400 038.
2. Shri Chandrasekhar Gopala & 31 Ors.
Tally/Computer Clerks
C/o. Shri M.B. Anchan, Advocate.

AND

THEIR WORKMEN.

The Secretary
Mumbai Port Trust Dock & General Employees
Union
Port Trust Kamgar Sadan
Nawab Tank Road
Mazgaon
Mumbai 400 010.

APPEARANCES:

- For the Employer : Mr. Umesh Nabar,
Advocate.
- For the Impleaded : Mr. M.B. Anchan,
workers Advocate.
- FOR THE WORKMEN : Mr. J.H. Sawant,
Advocate.

Mumbai, dated the 30th August, 2011.

The Government of India, Ministry of Labour & Employment by its Order No.L-31011/30/2001-IR (M), dated 04.07.2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of MbPT, Dock Department, Mumbai in ranking 20 tally clerks (list enclosed) below in seniority of 37 class-IV employees working as Computer Clerks is legal and justified? If not, to what relief the said workmen are entitled to?"

*List of Tally Clerks, Hamallage, Docks Deptt. Mumbai
Port Trust, Mumbai.*

1. Shri Vilas B. Sawant
2. Shri dnyanoba N. Pilane
3. Shri Prakash G. Vaidya
4. Shri Dinesh S. Rao
5. Shri Sudhir D. Gudre
6. Shri Mahesh R. Kulkarni (Sr.)
7. Shri Vishnu P. Saste
8. Shri Vivek M. Nadkarni
9. Shri Babaji T. Sadye
10. Shri Mavji J. Solanki
11. Shri Sunil P. Mohite
12. Shri Pravin B. Bharate
13. Shri Ramesh S. Zalte
14. Shri Vishnu S. Jagtap
15. Shri Madhukar P. Kalote
16. Shri Naresh N. Sonawane
17. Shri Ganesh A. Kondvilkar
18. Shri Milind A. Mane
19. Shri Shripati J. Bhosale
20. Shri Gopal N. Kale

2. After receipt of the reference, both the parties were served with notices. They appeared through their representatives. The second party union has filed its statement of claim at Ex-6. According to them, the management of Mumbai Port Trust by its circular dated 7.7.1994 invited applicationx from eligible class -IV male employees for Class-III Promotional posts of Tally Clerk from all departments of MbPT to fill up the vacancies of 20% departmental quota. The ratio of internal promotees and direct recruits are 20:80 as prescribed in the MbPT Employees (Recruitment, Seniority & Promotion) Regulation. Some 370 eligible class-IV employees applied for the post of Tally clerks. Out of them 281 employees

appeared for the written test. 77 employees were declared passed in the written test. They were interviewed in December 1994 and the first 20 successful class-IV employees were selected and appointed in accordance with the Regulation 11 w.e.f. 10/7/1995 on regular basis. According to the union, before joining these 20 employees, the management has posted 37 Class-IV employees to the Computer Section as Computer Clerks. They were promoted and posted without following the recruitment and promotional rules for the post of computer clerk. Though they were posted to work as a computer clerks, they continue to draw the salary of class-IV employees only. They have neither passed the written test nor faced the personal interview as required under the Regulation. Therefore, they cannot be posted as a computer clerks. They are unlawfully shown senior to these 20 Class-IV employees who have passed the written examination and have qualified in the interview. Management has taken some undertaking from these 20 promotees to accept the seniority below the persons already shown in the list. Such an undertaking is illegal and not binding on these 20 promotees.

3. In the year 1998, the union has made representation to the management and requested to give seniority to these 20 promotees above the 37 other class-IV workers who were promoted on *ad-hoc* basis and without any test or interview. The management neglected the demand of the union. Therefore union raised an industrial dispute before ALC (C). As conciliation failed, ALC (C) made a report to the Central Government. Ultimately Labour Ministry has sent the reference to this Tribunal. The union therefore prays that the action of management in promoting the 37 class-IV employees in the category of Tally clerk and giving them seniority over 20 tally clerks in Dockyard Department be declared illegal, null and void and these 20 workers be given seniority above the 37 class-IV employees.

4. The first party management resisted the statement of claim *vide* its written statement at Ex-12. According to them, the claim and averments of the second party union are false. The pleading in the statement of claim is inconsistent. They denied all the allegations made against them. According to them the claim of the union is misconceived and malafied and not maintainable. The 37 tally clerks were working on *ad hoc* basis as Tally clerks from their initial date of appointment. Thereafter these 20 tally clerks were recruited. As per the direction of the Hon'ble Supreme Court, the *ad-hoc* appointees are required to be regularized on their posts of the initial appoint on the post if they are found to be eligible for the post. By the demand of the second party, there would be injustice to the 37 employees who are appointed on *ad-hoc* basis. The seniority and service conditions of these 37 employees would be adversely affected in case the request of union is accepted. The union and the 20 employees concerned had knowledge of *ad-hoc* appointment of these 37 workers.

These 37 employees are not party to the reference and reference could not be decided unless they are heard on the point. They have denied all the parawise contents in the statement of claim and pray that the reference be dismissed with cost.

5. After the objection raised by the first party the 32 employees concerned were impleaded as party to the reference. They resisted the statement of claim *vide* their written statement at Ex-85. According to them, they were appointed by the management since 1973 in the B Category of Mazdoors. Subsequently they were promoted to the A Category Mazdoors w.e.f. 1/12/1991. In October 1992, MbPT had published a notice calling upon for applications from Mazdoors who have passed the SSC Examinations and want to work as computer clerks. Accordingly they submitted their applications to the Labour Inspector. After their selection they were trained in computers. After their successful training in computers, certificate of computer proficiency were issued to them. Thereafter they were appointed as computer clerks w.e.f. 31/12/1992. However they were paid the wages of Mazdoors. Therefore they made representation to the Chairman for payment of wages of Clerical cadre. As Chairman did not give any response, they approached BPT Employees Union. Union has written a letter to the chairman to consider their demand for wages. The chairman considered their demand and accorded sanction for appointing a selection committee for appointment of the Mazdoors as Tally (computer) Clerks. The selection committee selected them as Tally/Computer Clerk and they were appointed as Tally Clerk from 1/1/1995. However their demand for wages in the category of tally clerks was pending with the MbPT. In the meantime, the Mumbai Port Trust had called for application for the recruitment of another 20 tally clerks. Their written test was held on 28/08/1994. Seventy-seven workers were interviewed on 14/11/1994 and the 20 candidates were selected to the post of Tally clerk. They were appointed as Tally clerk from 10/07/1995 whereas the 37 workers were appointed as Tally clerks from 1/1/1995. Therefore they are senior to these 20 workmen appointed subsequently. While appointing these 20 workmen a condition was put to accept the seniority of these 37 workmen appointed earlier. Therefore these 20 workers cannot claim seniority over the 32 workmen (newly impleaded as party). Thus they pray that the reference be dismissed with cost.

6. The second party union has filed its rejoinder at Ex-13. According to them, the condition stipulated in the appointment letters is void and illegal in respect of the seniority of the 37 workers. Therefore it is not binding on them. They further contended that though these 37 workers were appointed as Tally Clerks, they were wrongfully promoted. They were given the scale of Tally Clerk subsequently. They were never *ad-hoc* appointees in the

post of Tally Clerk. They were not posted to perform the duties of Tally clerk till 11/10/1998 whereas the 20 promoted tally clerks were given duties of tally clerk *w.e.f.* 10/07/1995 and 01/09/1995. According to them, when undertaking was obtained from them, these 37 employees were not performing duties of tally clerk. They contended that the claim of the first party management is false and incorrect.

7. Following are the issues framed by my Ld. Predecessors for my determination. I record my findings thereon for the reasons to follow:

Sr. Issues No.	Findings
1. Whether action of the management in ranking 20 Tally Clerks below seniority of 37 Class IV employees working as Computer Clerks is legal and justified?	No.
2. What relief second party is entitled to get?	As per final order.
3. What order?	As per final order.

REASONS

Issue no. 1:—

8. In the case at hand the fact is not disputed that the twenty workmen under reference had applied for the post of tally clerk. They appeared for written examination. Out of 370 candidates only 77 have passed the written examination. The fact is not disputed that those 77 candidates were called for interview and only 20 candidates *i.e.* the workmen under reference were found eligible and they were selected for the post of tally clerks. They were appointed as Tally clerk *w.e.f.* 10/7/1995. In short the 20 workers under reference were selected out of 370 candidates and they were appointed as tally clerks. Their selection and appointment is as per MbPT Employees (recruitment, Seniority and Promotion) Regulations 1977. The same is not challenged either by the first party or by the 32 workers who are impleaded subsequently as party to the reference. As against this, according to the second party union, the 37 workers from Class-IV Mazdoor Cadre were not selected as per the provisions of promotion rules. Neither their applications were invited to face examination nor they were interviewed. Even according to the first party, as per their written statement Ex-12, the 37 workers were appointed as Tally Clerks on *ad-hoc* basis. Therefore the second party union submitted that these 37 workers appointed on *ad-hoc* basis without following the recruitment rules and procedure cannot be given seniority above the 20 workmen under reference who were selected for the promotional post by following due procedure prescribed

therefor. They had passed the examination and interview. These 20 workmen are selected out of 370 workers.

9. In this respect, the Id adv. for the first party submitted that before the appointment these 20 workers have signed the agreement and have accepted the seniority of the 37 workers. Therefore, now they are estopped from challenging the seniority of these 37 workers. In support of his argument, the Id adv. for the first party resorted to the Apex Court ruling in **Bank of India V/s. O.P. Swarnakar 2003 SCC (L & S) 200** wherein the Hon'ble Court on the point observed that:

"The Scheme is contractual in nature. The contractual right dealt by the employees concern, therefore could be waived. The employee concerned having accepted the part of benefit could not be permitted to up-probate and re-probate nor can they be permitted to release from their stand."

In another para of the judgment, the Hon'ble Court further observed that:

"As a general principle, one who knowingly accepts the benefits of contract or conveyance is estopped to deny the validity or bindingness on him of such contract or conveyance."

In this respect, the Hon'ble Court further observed that:

"This rule has to be applied to do equity and must not be applied in such a manner as to violate the principle of right and good conscious."

10. In this respect, the Id adv. for the second party rightly submitted that the workers who were appointed or were promoted without following the rules prescribed therefor cannot be regularized merely as the workers who were promoted subsequently have accepted the seniority of the earlier appointees. According to him, had these 37 workers promoted after following the rules, in such circumstances the principle of estoppel could have been attracted. According to him, the irregular or arbitrary promotions or appointments cannot be regularized by such agreements. In support of his argument the Id adv for the second party has resorted to Apex Court ruling in **Nazira Begum Lashkar V/s. State of Assam AIR 2001 SC 102** wherein the Hon'ble Court in para 14 of the judgment observed that:

"Since the appointments to the posts are governed by a set of statutory rules and the prescribed procedure therein had not been followed, and on the other hand appointments have been made indiscriminately immediately after the posts were allotted to different districts at the behest of some unseen hands, such appointments would not confer any right on the appointee. Nor such appointee can claim even any equitable relief from any court."

11. In the light of above observation of Apex Court, the 37 workers apromoted on *ad-hoc* basis cannot be given seniority above these 20 workmen, as they were not promoted after following the due procedure and promotional rules. On the other hand these 20 workers were promoted after following due procedure and promotional rules. Therefore they are entitled to get seniority above the aforesaid 37 workers. Accordingly I hold that, the first party was not justified in giving seniority to the 37 workers above the 20 workmen under reference. Accordingly I decide this issue no. 1 in the negative.

Issue no.2:—

12. As these 20 Tally Clerks are entitled to get seniority above the 37 workmen, they are entitled to all consequential benefits including seniority for further promotion and other monetary benefits, If any. Accordingly I hold that these 20 workmen under reference are entitled to get the advantage and benefit of seniority above the 37 workers who were give *ad-hoc* promotions. Thus this issue is decided accordingly. Hence I pass the following order:

ORDER

1. The reference is allowed.
2. The action of first party ranking 20 Tally Clerks under reference below in seniority of 37 class-IV employees working as Computer Clerks is hereby declared illegal, null and void.
3. The 20 workmen under reference are entitled to get seniority above these 37 workers. They are also entitled to all consequential benefits.

Date: 30th August 2011

K. B. KATAKE, Presiding Officer.

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3555.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स नेशनल इन्श्योरेंस कम्पनी लिमिटेड पादुकटई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 13/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था

[फाइल सं० एल-17012/47/2008-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 15th November, 2011

S.O. 3555.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/2009) of the Central Government Industrial Tribunal/Labour Court

Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. Pudukotta and their workman, which was received by the Central Government on 15/11/2011.

[F.No. L-17012/47/2008-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT CHENNAI

Thursday, the 20th October, 2011

Present : A.N. JANARDANAN
Presiding Officer

INDUSTRIAL DISPUTE No. 13/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of National Insurance Co. Ltd. and their workman)

BETWEEN

Smt. J. Kalyani : 1st Party/Petitioner

AND

1. The Branch Manager : 2nd Party/1st Respondent
National Insurance Co. Ltd.
East Main Street
Pudukottai

2. The Regional Manager : 2nd Party/2nd Respondent
Regional Office
National Insurance Co. Ltd.
No. 684, Trichy Road
Coimbatore

APPEARANCE:

For the 1st Party/ : M/s M. Muthupandian,
1st Petitioner Advocates

For the 2nd Party/ : M.s. T.S. Gopalan & Co.
1st and 2nd Management Advocates

AWARD

The Central Government, Ministry of Labour vide its order no. L-17012/47/2008 [IR (M)] dated 13.10.2008 referred the following Industrial Dispute to this Tribunal for adjudication:

The schedule mentioned in that order is:

"Whether the action of the National Insurance Company, Pudukottai and Coimbatore in

terminating the services without assigning any reason in respect of Smt. J. Kalyani, Part Time Sweeper w.e.f. September, 2006 is justified? To what the relief the workman is entitled?

2. After the receipt of Industrial Dispute, this Tribunal numbered it as ID 13/2009. Pursuant to notice under RPAD, the petitioner had entered appearance. The respondents though were served with notice did not appear in spite of several adjournments given and therefore they were called absent and set *ex-parte*.

3. This Tribunal thereupon passed an Award dated 15.06.2009, *ex-parte* ordering reinstatement of the petitioner with all benefits which having been sought to be set aside as per IA 86 of 2009 supported by IA 85 of 2009 to condone delay, this Tribunal as per order dated 15.03.2010 allowed the request on payment of penalty of Rs. 10,000/- by Petitioner/Respondent to the Respondent/Petitioner, in due compliance whereof the award was set aside and the ID was restored to file.

4. Respondent thereafter filed Counter Statement.

5. The petitioner had filed claim statement raising her contentions, as follows:

She had been employed as Sweeper cum Office Assistant on and from 15.03.2000 in the Respondent's office, and put in nearly 6 years of service. She was orally terminated on 01.09.2006 She studies upto SSLC. She has been paid weekly wage of Rs. 475/-. Her service was continuous. Yet she was not made permanent in spite of repeated demands. She has already put in statutory period of service under I.D. Act 1947. Her oral termination is illegal, unjust and void ab initio. She is entitled to reinstatement with back wages and all attendant benefits. She had been initially employed as Part-Time Sweeper. As on date she is 40 years old. She had been employed without any notional break. The oral termination was not for misconduct and is not as retrenchment, in which case there should be compliance of Section-25(f) of the ID Act which was not there. Her termination is nonest in the eye of law. She has been without employment thereafter and she is ready and willing to join duty. She prays for reinstatement with all benefits including back wages.

6. Contentions in the common Counter Statements of both the Respondents briefly read as follows:

The Branch Office of the 1st Respondent/company at Pudukottai was opened on 10.06.1982. The employees in the broad classification comprised of Sub-Staff including Drivers, Full Time Sweepers and Part Time Sweepers as Class-IV in the ordinal numeral. No person can get entry into service unless appointed in writing against a sanctioned post. As a measure of becoming cost-conscious there was a policy not to make further recruitment to Part

Time Sweepers posts. Part time Sweepers when converted into Full Time Sweepers the vacancy of Part Time Sweeper ceased to exist. Existing Part Time Sweepers were directed to be converted into Full Time Sweepers against sanctioned strength. After 1999 there was no direct appointment to the post of Full Time Sweeper except by conversion of Part Time Sweepers into Full Time Sweepers, last of which in Coimbatore Region was made on 20.04.1998. Therefore all establishments without any Sweeper were permitted to engage Casual Sweepers on daily wage basis, which was followed in Pudukottai Branch engaging Daily Waged Sweepers. From records it appears that between 2001 and August 2006 at Pudukottai Branch apart from petitioner Ms. Bama, Kamala, Kuppan, Ramu and Raja had been engaged. Petitioner was last engaged on 21.07.2006 whetherafter Rama, Bama and Raja Appeared to have been engaged on the above basis. A so-called representation sent in the last week of August 2006 for regularization sent by petitioner is not traceable in the Regional Office. Petitioner was not stopped from engagement as PTS. After 21.07.2006 she was not offering for engagement. She was not engaged for continuous period. She cannot have any claim for any sort of employment. It is denied that she was orally denied employment on 01.09.2006. The claim is to be rejected.

7. Points for consideration are:

(i) Whether the termination from service of Smt. J. Kalyani without assigning any reason *w.e.f.* September, 2006 is justified?

(ii) To what relief the petitioner is entitled to?

8. The evidence consists of oral evidence of WW1 and Ex. W1 to Ex. W5 on the petitioner's side and the oral evidence of MW1 and MW2 and Ex. M1 to Ex. M20 on the Respondent's side.

Points (i) & (ii)

9. Heard both sides. Perused records, documents and evidence. On behalf of the petitioner her learned counsel argued in terms of the contentions in the Claim Statement. He would contend that *w.e.f.* 01.09.2006 petitioner was orally terminated without notice. She had worked for 6 years. There is violation of Section-25(f) of the ID Act. She hails from Scheduled Caste Community. Social justice demands that her service is protected and she is to be ordered to be reinstated into service with all benefits. He relied on the decision of the High Court of Himachal Pradesh in HIMACHAL PRADESH STATE ELECTRICITY BOARD AND ANOTHER VS. LAXMI DEVI AND ANOTHER (2011-1-LLJ-819) wherein it is held that a Part-Time Employees is a workman. In BHILWARD DUGDH UTPADAKA SAHAKARI S. LTD. VS. VINOD KUMAR SHARMA DEAD BY LRs AND OTHERS (2011-IV-LLJ-292) Supreme Court held "*labour statues were meant to protect*

the employees/workman because it was realized that the employers and employees are not equal bargaining position. Hence, protection of employees was required so that they may not be exploited". In HARJINDER SINGH VS. PUNJAB STATE WAREHOUSING CORPORATION (2010-3-SCC-192) Supreme Court held "9. We are not oblivious of the distinction in regard to the legality of the order of termination in a case where Section 25-F of the Act applies on the one hand, and a situation where Section 25-G thereof applies on the other. Whereas in a case where Section 25-F of the Act applies the workman is bound to provide that he had been in continuous service of 240 days during twelve months preceding the order of termination; in case where he invokes the provisions of Sections 25-G and 25-H thereof he may not have to establish the said fact".

10. The contra arguments on behalf of the Respondent are that the admitted case of the petitioner is that her engagement was without any appointment order. Challenge is against non-compliance of Section-25(f) and that the termination is bad in law. There is no termination or stopping of her engagement with the Management but she herself stopped to come for the engagement. Her representation in August 2006 is only a self-serving statement claiming herself to be engaged on Full Time basis. As is evident from Ex.M4 Voucher she was paid Rs. 475/- on 07.07.2006 as last payment where after she has not turned up for work. It could be seen that the last engagement of Kalyani was on 07.07.2006 and not on 01.09.2006. She has not been issued with any appointment order admittedly. Mere working is not an employment. Reliance was placed on the decision of the Apex Court in *UTTRANCHAL FOREST HOSPITAL TRUST VS. DINESH KUMAR (2008-1-LLJ-565)* wherein Supreme Court held that *"The stand of the appellant that the respondent was called for work whenever work was available, and as and when required and that he was not called for doing any work when the same was not available, has been established. The Labour Court itself noted that the workman was engaged in work by others as he was working in the appellant's establishment for one hour or little more on some days. The documents filed clearly established that the claim of having worked more than 240 days is clearly belied. In the aforesaid position, the Labour Court and the High Court were not justified in ordering the reinstatement with partial back wages".*

11. In the box petitioner stated that from 03.07.2006 to 07.07.2006 she worked and denied having worked between 08.07.2006 to 30.08.2006. She is demanding employment only as permanent Sub-Staff and not for an employment as before. She wants permanent job and not on rotation basis. She denied having stopped work from

July and added that Branch Manager Kamaraj only stopped her work which was orally. According to MW1 Kamaraj petitioner was not terminated from service but she was not turning up for duty. According to MW2 Gomathinayagam, Deputy Director of the company at Coimbatore petitioner is not entitled to Full Time post or regularization.

12. In order to sustain the claim of the petitioner for reinstatement or any other alternative relief it is for her to establish that she has put in continuous service by working for not less than 240 days in a calendar year preceding her termination from service. It is not disputed that petitioner worked only as a Casual Sweeper under the Respondent. Even according to her version as WW1 it is discernibly not on a continuous or regular basis but was only on a rotation basis. There had been other persons similarly engaged like her on rotation basis. Documents Ex.W1 to Ex.W5 or the documents produced on behalf of the Respondent which have a bearing on the dispute could be found to belie her case of having worked continuously so as to ripen to herself a right in terms of continuous service for minimum one year. Should the petitioner derive any benefit under Section-25F of the ID Act it is to be specifically proved by her that she has worked for not less than 240 days during a calendar year preceding her cessation from engagement. While petitioner's case is that she was stopped from being engaged on 01.09.2006 by MW1 Kamaraj, his case is that petitioner was not reporting for duty after 07.07.2006 and there was no any termination effected.

In order to succeed it is for the petitioner to prove that she worked for not less than 240 days in 12 calendar months and also that she was actually being terminated from service by the management for which there is no reliable and substantial evidence. From Ex.M4-Vocher she is seen to have been paid Rs. 475/- on 07.07.2006 where after she is not seen to have turned up for work. It appears to be an instance of herself stopping her engagement and not an instance of a termination at the hands of the employer. When it is cessation of engagement by herself there is no question of assigning any reason by the employer. For these reasons it is only to be held that there is no termination of petitioner from the service of the Respondent/Management and that to without assigning any reason and in fact the cessation of her engagement was brought about out of her own volition by not offering herself to be engaged for duty after 07.07.2006. The petitioner is therefore not entitled to any relief.

13. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th October, 2011)

A.N. JANARDANAN, Presiding Officer.

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Smt. J. Kalyani

For the 2nd Party/
Management : MW1, Shri P. Kamaraj
MW2 Sri M.
Gomathinayagam**Documents Marked:****On the petitioner's side**

Ex. No.	Date	Description
Ex. W1		Salary vouchers showing the employment of the Petitioner/1st party.
Ex. W2	-	Photograph showing the petitioner alongwith staff members on the eve of retirement of the Divisional Manager in the year 2000.
Ex. W3	-	Photograph showing the petitioner alongwith staff and agent in the year 2000
Ex. W4	25.08.2006	Copy of the letter sent by the petitioner to the opposite parties
Ex. W5	-	Photocopy of the Postal Acknowledgement Cards.

On the Management's side

Ex. M1	14.11.2006	Petitioner's Advocates' letter addressed to Respondents.
Ex. M2	15.11.2006	Liberal translation of petitioner's advocates' letter dated 14.11.2006
Ex. M3	30.11.2006	Respondents' reply to Petitioner's Advocate
Ex. M4	07.07.2006	Petty Cash Vouchers No. 56-Sweeper Charges from 3/7 to 07.07.2006 Rs. 475/- to J. Kalyani
Ex. M5	02.08.2006	Petty Cash Vouchers No. 69-Sweeper Charges paid for July 2006 to K. Raja Rs. 200/-
Ex. M6	17.08.2006	Petty Cash Vouchers No. 78-Sweeper Charges paid to J. Bama, Rs. 475/-
Ex. M7	18.08.2006	Petty Cash Vouchers No. 79-Office cleaning charges -Rs.270/-
Ex. M8	30.08.2006	Petty Cash Vouchers No. 88-Office Cleaning Charges-Rs. 200/- paid to Ramu
Ex. M9	29.09.2006	Petty Cash Vouchers No. 112-Office Cleaning Charges Rs. 375/-
Ex. M10	20.01.1982	Letter from Regional Manager of NIC Ltd. To Divisional Manager, Madurai
Ex. M11	20.04.1988	Circular No. 22/88-for display on Notice Board and circular to All department-administrative Instruction and part-time appointments
Ex. M12	26.10.1999	Internal memo advising no recruitment of part-time sweepers

Ex. No.	Date	Description
Ex. M13	05.05.2000	Circular F/74/J/1-conversion/upgradation on part-time sweepers to FTS (full time sweepers)
Ex. M14	30.10.2006	Reply of Respondent to the letter of petitioner. dated 18.10.2006
Ex. M15		Statement showing details of payments made to petitioner between January 2004 and August 2006
Ex. M16		Statement showing list of Offices with details of FTS posted as on 31.08.2006
Ex. M17	20.04.1988	A statement showing list of casual labourers engaged on rotation basis by various offices between 2000 to 2010 and not employed on continuous basis
Ex. M18	20.07.1999	Copy of letter addressed to Ms. V. Nalammal (PTS) accepting her resignation from service effective from 15.06.1988
Ex. M19	20.04.1988	Clean copy circular No 22/88 already filed on behalf of respondents in their type-set dated 21.09.2010 (vide page nos. 2 to 4 of the said type-set dated 21.09.2010)
Ex. M20		Statement showing the details of payment made between April 2000 and August 2006.

नई दिल्ली, 15 नवम्बर, 2011

का. आ. 3556.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वारसुवा आइरन माइन्स आर एम डी सेल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 67/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फा सं एल-26011/9/99-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 15th November, 2011

S.O. 3556.— in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.67/2001 of the Central Government Industrial Tribunal/Labour CourtBUBANESHWAR..... now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barsua Iron Mines RMD SAIL (Sundargarh) and their workman, which was received by the Central Government on15/11/2011.

[F. No. L- 26011/9/99 -IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT BHUBANESWAR**

Present:

Shri J. Srivastava,
Presiding Office, C.G.I.T.-cum-Labour
Court, Bhubaneswar

Tr. INDUSTRIAL DISPUTE CASE NO. 67/2001**Date of Passing Award—13th October, 2011**

Between:

The General Manager,
Barsua Iron Mines, RMD, SAIL,
Po. Tensa, Distt. Sundargarh.

..... 1st Party-Management.
(And)

Their workmen represented through the
Secretary, United Mines Mazdoor Union,
At. Smruti Sadan, Po. Barsua, Sundargarh
..... 2nd Party-Union.

Appearances:

Shri R.C. Tripathy, For the 1st Party-
Manager, Law, R.M.D. Management
None..... For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the Management of Barsua Iron Mines, RMD, SAIL and their workmen in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2-A of section 10 the Industrial Disputes Act, 1947 vide their letter No. L-26011/9/99/IR(M), dated 14.12.1999.

2. The dispute as referred to is quoted below:—

"Whether the action of the management of Barsua Iron Mines of Raw Material Division, Steel Authority of India Limited, Barsua by not paying the rates of wages to their contractors' labourers as agreed by the Rourkela Steel Plant vide their Office Circular No. Projects/W-I/TN(P) 220/262, dated 6.5.88 is justified? If not, to what relief the workmen are entitled?"

3. The 2nd Party-Union in pursuance of the letter of reference has filed Statement of Claim which mentions that Barsua Iron Mine is the captive mines of Rourkela Steel Plant, SAIL and it was under the direct administrative control of Rourkela Steel Plant Management prior to 1.5.1990. After formation of Raw Material Division in the year 1990 under the Steel Authority of India Limited a separate autonomous division was formed to control and regulate all the mining activities of all SAIL captive mines,

which were under different steel plants. Even after its separation from the direct administrative control of Rourkela Steel Plant there are still posted some workmen in Barsua Iron Mines as "common cadre" in the departments of store, education, hospital, watch and ward etc. The work of construction, modification and modernization and the job contracts for providing sweeping, cleaning, running maintenance for enabling works of project department of Barsua Iron Mines is carried out through contractors engaged by

Rourkela Steel Plant, SAIL. The project department of Rourkela Steel Plant, SAIL fixes the minimum wages of the labourers as agreed between the Management and the Union which is revised from time to time depending on average All India consumer price index as well as circular of the Government of India changing the special allowance. In the year, 1988 the Project Department of Rourkela Steel Plant awarded certain jobs like sweeping, cleaning, running maintenance for enabling works of Project Department at Barsua Iron Mines, Barsua and also modification jobs of conveyor of Jigging units at Barsua Valley and construction of water reclamation treatment thickener unit of Jigging to different individual contractors/firms with direction to comply office Circular No. Projects/W-I/TN(P) 220/262, dated 6.5.88 with regard to the payment of minimum wages as prescribed from time to time. In spite of the above circular the workmen who were engaged by different contractors as contract labourers were paid minimum wages at the rate of Rs. 39.51 per day while those engaged at Rourkela Steel Plant were receiving minimum wages at the rate of Rs. 85.23 per day. This is very discriminatory practice being adopted by the Management of Raw Material Division and it amounts to unfair labour practice. The National Joint Committee for steel industry determines wage structure, conditions of service and other allied matters for all categories of employees working under the steel industries and its mines. But the said Joint Committee does not fix any guideline which could regulate the contract labourers in respect of their wage structure and service conditions. Under the same organization for similar workers, two types of wage structure is not only discriminatory, but is wholly illegal. As such the same is liable to be interfered with. Therefore, it has been prayed that the working in the Barsua Iron Mines, RMD, SAIL, both departmental and contract labourers be paid their wages as per minimum rate prescribed vide circular letter dated 6.5.1988 issued by Rourkela Steel Plant.

4. The 1st Party-Management has stated in its written statement that the reference is devoid of merit and not maintainable. There has not been issued any circular on 6.5.1988 by the Rourkela Steel Plant regarding minimum rate of wages to contract labourers. The reference is also not specific with regard to the workmen on whose behalf the industrial dispute has been raised. Neither any contract

has been awarded nor contract labourers have been engaged in jobs of permanent or perennial nature. Payment to contract labourers is made on the basis of notification issued by the appropriate government and the Management only ensures payment to the labourers by the contractors. There is no standard and wage pattern in vogue in the company in respect of contract labourers. Wages of contract labourers engaged in different establishments cannot be equated in absence of any agreement/settlement to that effect. The Rourkela Steel Plant is not the principal employer in respect of the contract labourers engaged in Barsua Iron mines. As such the question of discriminatory approach does not arise. The contract labourers engaged in Barsua Iron Mines are not governed under the circular issued by the Rourkela Steel Plant.

5. Issues were framed twice in this case but those framed later superseding the previous one are reproduced below.

ISSUES

1. Whether the reference is maintainable?
2. Whether the Circular No. Projects/W-I/TN(P) 220/262, dated 6.5.1988 is an agreement made for paying the rates of wages to the Contractors labourers of the Rourkela Steel Plant?
3. Whether the action of the Management of Barsua Iron Mines of Raw Material Division, Steel Authority of India Limited, Barsua by not paying the rates of wages to their contractors labourers as per the above agreement is justified?
4. If not to what relief the workman is entitled to?

6. The 2nd party-Union after filing Statement of Claim took several adjournments to adduce evidence but ultimately absented itself and did not adduce any evidence. As such the case was set exparte against it vide order dated 3.3.2008.

7. The 1st Party-Management has filed affidavit evidence of one Shri Bhubaneswar Mishra, Deputy General Manager (P & A), SAIL, RMD Rourkela.

FINDINGS

ISSUE NO. 1

8. The 1st Party-Management has objected to the maintainability of the reference, but no specific plea has been raised in this regard as to the ground on which the reference is not maintainable. In the subsequent para after raising the objection the 1st Party-Management took the plea that the reference is not specific with regard to the workmen on whose behalf the industrial dispute has been raised. This plea finds support from the order of reference itself as the Government while making the order of reference has not supplied the list of workmen on whose behalf the

dispute has been raised by the 2nd Party-Union. From the very wordings of the schedule describing the point of dispute it appears that the dispute has been raised in respect of contract labourers working in the Barsua Iron Mines of Raw Materials Division, SAIL, Barsua, but widening the scope of the reference the 2nd Party-Union has raised claim not only in respect of contract labourers but also in respect of department employees. The Circular No. Projects/W-I/TN(P) 220/262, dated 6.5.1988, as has been referred to in the schedule of references, the basis of which rates of wages are being claimed by the 2nd Party-Union, is not an agreement or settlement, but a letter issued by the Project Department of SAIL, RSP, Rourkela addressed to one contractor regarding job contract awarded to him in respect of sweeping, cleaning and running maintenance for enabling works of Project Department office at Barsua Iron Mine, Barsua. Therefore this letter cannot be a governing point for payment of wages to all contract labourers in Barsua Iron Mines. The 1st Party-Management because of this short-fall or lacuna has stated that the reference is devoid of merit and not maintainable. I also find strength in its argument and hold that the reference is vague and unspecific and accordingly not maintainable. This issue is answered accordingly in favour of the 1st Party-Management.

ISSUE NO. 2

9. The circular letter as has been referred to in the schedule of reference is not in the form of an agreement or settlement entered into by the parties of the case and hence cannot be made the basis of claim of wages to the contract labourers of Barsua Iron Mines of Rourkela Steel Plant, SAIL as claimed by the 2nd Party-Union. This letter is not in the form of a circular, but simply a letter of the Project Department addressed to a contractor named Shri Rajpuri Mohato awarding him certain contract prescribing terms and conditions of the contract. This letter does not bind all types of contract labourers working in the Barsua Iron Mines, Raw Materials Division, SAIL. Therefore it cannot be a guiding factor for fixing any rate of wages to different classes of workers engaged by different contractors. As such this issue is also decided against the 2nd Party-Union and in favour of the 1st Party-Management.

ISSUE NO. 3

10. The 2nd Party-Union has failed to prove or even show by adducing any evidence that the action of the Management of Barsua Iron Mines of Raw Material Division, SAIL, Barsua is not justified in not paying the rate of wages to their contractors labourers as per Circular No. Projects/W-I/TN (P) 220/262, dated 6.5.1988 and therefore, it cannot be said that the action of the Management is in any way unjustified in not paying the rates of wages to their contractors labourers as per the above agreement. The so-called agreement does not bind

all types of workers engaged by different contractors in Barsua Iron Mines for different works. Therefore the contractors labourers are not entitled for getting their minimum rate of wages as per Circular dated 6.5.1988. This issue is decided against the 2nd Party-Union.

ISSUE NO.4

11. As the 2nd Party-Union has miserably failed to prove its case and show as to how the contractors labourers engaged in Barsua Iron Mines, RMD, SAIL, Barsua are entitled to get their wages as per Circular dated 6.5.1988 the contractors labourers are not entitled to any relief claimed for.

12. Reference is answered accordingly.

J. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 15 नवम्बर, 2011

का.आ. 3557.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई एस आई सी त्रिचूर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 27/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[फाइल सं. एल 15012/2/2010 आई आर (एम)]
जोहन तोपनो, अवर सचिव।

New Delhi, the 15th November, 2011

S.O. 3557.— in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....27/2010.....) of the Central Government Industrial Tribunal/Labour Court ...ERAKULAM... now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of... M/s. E S I C (Thrissur) and their workman, which was received by the Central Government on... 15/11/2011.

[File No. L-15012/2/2010-IR(M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri D. Sreevallabhan, B.Sc. LL.B., Presiding Officer

(Friday the 30th day of September 2011/8th
Asvina, 1933)

I.D. 27/2010

Workman : Shri M.C. Bhaskaran,
S/o. Shri Chennan,
Mudathilariyil House,
Kavitha Road, P.O.
Kuttanellore,
Thrissur (Kerala).

By Adv. Shri C. Anil Kumar

Management : (1) The Care Taker,
ESIC Staff Quarters,
P.O. Kuttanellur,
Thrissur (Kerala).
(2) The Regional Director,
ESIC Regional Office,
North Swaraj Road,
Thrissur (Kerala)-20.

By Adv. Shri P.M.M.
Najeeb Khan.

This case coming up in Adalat on 30.09.2011, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act, 1947.

2. The reference is:

"Whether the action of the management of ESIC at Trissur in denying wages from November, 2007 to November, 2008 to Shri M.C. Bhaskaran, their part time Malee and denial of employment from 1st December, 2008 is fair and justifiable? To what relief he is entitled?"

3. After submission of the pleadings of both parties the case was taken up in the Lok Adalat as per the request made by the learned counsel for both sides. A full and final settlement was arrived at in the Lok Adalat. Hence an award can be passed in terms of the settlement.

In the result an award is passed in terms of the settlement which forms part of the award.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of September, 2011.

D. SREEVALLABHAN, Presiding Officer

APPENDIX - NIL

ANNEXURE

Central Government on 16-11-2011.

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

ID 27/2010

The matter was taken up in Lok Adalat and the parties agreed to settle the dispute on the following terms:—

The management ESI Corporation agrees to pay a sum of Rs. 16,500/- (Rupees Sixteen thousand five hundred only) to Shri M.C. Bhaskaran in full and final settlement of the dispute and the petitioner M.C. Bhaskaran agrees to accept the same towards full and final settlement of salary arrears and all other compensation payable to him. Upon acceptance of the agreed amount Shri. M.C. Bhaskaran will not have any further claim for re-employment or any other monetary claim against the ESI Corporation. For payment of the agreed sum, Cheque No. 519731 dated 27.09.2011 for a sum of Rs. 16,5000/- is handed over to Shri M.C. Bhaskaran.

Dated this the 30th day of September 2011.

M.C. Bhaskaran

Management:

Counsel of Workman

Counsel for Management:

C. Anil Kumar.

P.M.M Najeel Khan.

Advocate

Advocate

नई दिल्ली, 16 नवम्बर, 2011

आ. 3558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्केएस इन्जीनियर्स एंड कंस्ट्रक्शन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. चंडीगढ़ के पंचाट (संदर्भ संख्या 60, 77, 79, 80/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/11/2011 को प्राप्त हुआ था।

[सं एल-42012/65/2010-आई आर (डीयू),

सं एल-42012/109/2010-आई आर (डीयू),

सं एल-42012/107/2010-आई आर (डीयू),

सं एल-42012/115/2010-आई आर (डीयू)]

जोहन तोपनो, अव सचिव

New Delhi, the 16th November, 2011

S.O. 3558.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Nos. 60, 77, 79, 80 of 2010) of the Central Government Industrial Tribunal-cum-Labour Court-2, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s AKS Engineers and Contractors and their workmen, which was received by the

[No.-L-42012/65/2010-IR (DU),

No.-L-42012/109/2010-IR (DU),

No.-L-42012/107/2010-IR (DU),

No.-L-42012/115/2010-IR (DU)]

Johan Topno, Under Secretary.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri A.K. Rastogi, Presiding Officer

Order No. 42012/65/2010 (IR(DU) dated 10/8/2010

ID No. 60/2010

Registered on 30/8/2010

Shri Pawan Kumar, S/o Sh. Jagar Nath, VPO Dhar Tatoh, Tehsil and Distt. Bilaspur (HP).

Order No. 42010/119/2010 (IR(DU) dated 29.9.2010

ID No. 77/2010

Registered on 26.10.2010

Shri Vijay Kumar S/o Sh. Kirpa Ram, Village & PO- Panjgain, Tehsil and Distt. Bilaspur (HP).

Order No. 42012/107/2010 (IR(DU) dated 29.9.2010

ID No. 79/2010

Registered on 26.10.2010

Shri Kamal Dev S/o Sh. Krishan Ram, Village Bagphulata, PO Sholdha, Tehsil and Distt. Bilaspur (HP).

Order No. 42012/115/2010 (IR(DU) dated 29.9.2010

ID No. 80/2010

Registered on 26.10.2010

Sh. Babu Ram S/o Sh. Jagar Nath, Village Ahen, PO Dhawal, Tehsil Sundernagar, Mandi (HP).

Petitioners

Versus

1. The General Manager, Kol Dam Hydro Electric Power Project, NTPC, VPO Barmana, Bilaspur.
2. The Managing Director, M/s AKS Engineers and Contractors Kol Dam Hydra Electric Power Project, Sanjay Sadan, Chhota Shimla.
3. Project Manager, Italian Thai Development Co. Ltd., Kol Dam Hydra Electric Power Project, Village Kayan, PO Slapper, Tehsil Sundernagar, Mandi (HP).

APPEARANCES

For the workman — None

For the Management — Sh. VP Singh for Respondent
No. 1, Sh. Shamsher Singh for

respondent No. 3

AWARD

Passed on Oct. 20, 2011

Vide above titled Orders the Central Government in exercise of the powers conferred by Clause (d) of Sub-Section (1) and sub-Section (2-A) of Section 10 of Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial disputes respectively for adjudication:—

1. "Whether the action of the management of M/s AKS Engineers and Contractors, a contractor engaged by NTPC Kol Dam Hydra Electric Power Project, Bilaspur (HP), in terminating the services of their workman Sh. Pawan Kumar w.e.f. 13.8.2008 is legal and justified? If not, what relief the workman is entitled to?"
2. "Whether the action of the management of M/s AKS Engineers and Contractors, a contractor engaged by NTPC Kol Dam Hydra Electric Power Project, Bilaspur (HP), in terminating the services of their workman Sh. Vijay Kumar S/o Sh. Kirpa w.e.f. 1/8/2008 is legal and justified? If not, what relief the workman is entitled to?"
3. "Whether the action of the management of M/s AKS Engineers and Contractors, a contractor engaged by NTPC Kol Dam Hydra Electric Power Project, Bilaspur (HP), in terminating the services of their workman Sh. Kamal Dev w.e.f. 3/9/2008 is legal and justified? If not, what relief the workman is entitled to?"
4. "Whether the action of the management of M/s AKS Engineers and Contractors, a contractor engaged by NTPC Kol Dam Hydra Electric Power Project, Bilaspur (HP), in terminating the services of their workman Sh. Babu Ram S/o Sh. Jagar Nath w.e.f. 1/8/2008 is legal and justified? If not, what relief the workman is entitled to?"

After receiving the references notices were issued to the parties. In ID No. 77/2010 notice sent by registered post to workman Sh. Vijay Kumar on 18.5.2011 returned with the postal endorsement 'expired'. Legal representative of the deceased workman did not appear to submit any claim statement or for their substitution in place of the deceased. In other references the concerned workman failed to appear despite notices sent by registered post. Notices not received back undelivered. Hence the service is presumed on the concerned workman. They failed to file any claim statement.

As in ID No. 60/2010, 77/2010, 79/2010 and 80/2010

no claim statement has been filed despite sufficient notice to the concerned workman hence, 'No Dispute' Award is passed in all these references. A copy of the Award be placed on the record of each case. Two copies of the Award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGI
Presiding Officer

नई दिल्ली, 16 नवम्बर, 2011

का. अ. 3559.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरिसन इन्जीनियर, एम-ई-एस, बीकानेर के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध 1 में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 19/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2011 को प्राप्त हुआ था।

[सं. एल-13011/7/2010-आईआर (डी. यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 16th November, 2011

S.O. 3559— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2011) of the Central Government Industrial Tribunal cum Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Garrison Engineer (N), M.E.S., Bikaner and their workman, which was received by the Central Government on 16.11.2011.

[No. L-13011/7/2010-IR(DU)]
Johan Topno, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

PRESENT

N.K. PUROHIT
PRESIDING OFFICER

I.D. 19/2011

Reference No. L-13011/7/2010-IR(DU) dated: 24.5.2011

The Secretary,
MES Employees Union (INTUC),
Hanuman Hatta, Gali No. 1,
Bikaner.

V/s

The Garrison Engineer (North),
M.E.S., Bikaner.

AWARD

10.10.2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication which is as under:—

"Whether the action of the management of GARRISON ENGINEER (N), M.E.S., Bikaner in denying the payment of arrears on account of 1st ACP w.e.f. 9/8/1999 to Shri Prem Shanker Pareek, Refg. Mech (HS) category is fair, legal & justified?" What relief he is category is fair, legal & Justified? If not, what relief the workman is entitled to?"

2. In pursuance of the reference order, registered notices were issued to both the parties but despite service of registered notice none appeared on 19.9.2011. Thus, case was adjourned & next date 5 10.2011 was fixed for passing appropriate order. On the said date also none appeared on behalf of both the parties. Under these circumstances case was reserved for passing award.

3. Since, the applicant union has not appeared to file its claim statement, there is no material on record on the basis of which the reference under consideration may be adjudicated on merits. It appears that the applicant union is not willing to contest the case further.

4. Under these circumstances "No Claim Award" is passed in this matter. The reference under adjudication is answered accordingly.

5. Award as above.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2011

का. आ. 3560.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०डी०ओ०, फोन्स, कोटा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 80/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2011 को प्राप्त हुआ था।

[सं० एल-40012/8/2005-आई०आर०(डी०यू०)]

जोहन तोपनो, अवर सचिव

New Delhi, the 16th November, 2011

S.O. 3560.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 80/2005) of the Central Government Industrial Tribunal cum Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SDO, Phones, Kota and their workman, which was received by the Central Government on 16.11.2011.

[No. L-40012/8/2005-IR(DU)]

JOHAN TOPNO, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

PRESENT

N.K. PUROHIT
PRESIDING OFFICER

I.D. 80/2005

Reference No. L-13011/7/2010-IR(DU) dated: 11.7.2005

Shri Ramlaxman,
S/o Shri Kanwar Lal,
General Secretary,
Hind Mazdoor Sabha,
Bengali Colony, Chawani,
Kota (Raj.)

V/s.

The Sub-Divisional Officer
Phones, Office of the General Manager
Doorsanchar, Industrial Area,
Jhalawad Road, Kota (Raj.)

AWARD

10.10.2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication which is as under:—

"Whether the action of the management of SDP, Phone-II, Kota in not reinstating Shri Ramlaxman S/o Shri Kanwar Lal w.e.f. January, 1999 is legal & justified? If not, to what relief the workman is entitled?"

2. Earlier an award was passed on 11.11.05. Since the workman did not appear & filed his claim therefore, it was held that action of the SDO, Phones in not reinstating the workman w.e.f. January, 99 is legal & justified. Subsequently, after passing the award on 11.11.05, the workman moved an application on 30.11.05 for setting aside the said award. After considering the facts &

circumstances, his application was accepted & the matter was restored to its original Number.

3. In above factual background, vide order dated 23.5.06 an opportunity was afforded to the claimant to file his claim statement. Subsequently, the post of Presiding Officer remained vacant for more than three years, therefore, after posting of the Presiding Officer fresh registered notices were issued. The claim statement on behalf of the workman was filed on 3.2.10.

4. Upon perusal of record it reveals that on 15.11.10 the learned representative on behalf of the workman Shri Arun Sharma, Advocate moved an application that the workman did not contact him since long & he is unaware about his whereabouts therefore, he may be permitted to withdraw his authority letter. Under these circumstances, again registered notices were issued to the workman. The workman did not appear despite service of registered notice upon him therefore, ex-party proceedings were drawn against him on 13.7.11 & next date 20.9.11 was fixed for filing reply to the claim statement. On said date none appeared on behalf of both the parties. Thus, the case was reserved for passing award.

5. The workman has not appeared after filing claim statement. Except claim statement there is no material on record on the basis of which the matter can be decided on merits. It appears that the workman is not willing to contest the case further.

6. Under these circumstances "No Claim Award" is passed in this matter. The reference under adjudication is answered accordingly.

7. Award as above.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2011

का.आ. 3561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार औरविले लैण्ड सर्विसेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 39/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2011 को प्राप्त हुआ था।

[सं. एल-42011/87/2010-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 16th November, 2011

S.O. 3561.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/2011) of the Central Government Industrial Tribunal cum Labour

Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Auroville Land Services and their workman, which was received by the Central Government on 16.11.2011.

[No. L-42011/87/2010-IR (DU)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL**

TRIBUNAL-CUM-LABOUR COURT CHENNAI

Tuesday, the 25th October, 2011

Present : A.N. JANARDANAN
Presiding Officer

INDUSTRIAL DISPUTE No. 39/2011

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Auroville Land Services and their Workman)

BETWEEN

Sri A.M. Subburayan : 1st Party/Petitioner
Vs.

The Executive : 2nd Party/Respondent
Land Estate Management
Auroville Land Service,
Bharat Nivas
Auroville-605101

Appearance:

For the 1st Party/ : M/s V. Ajoy Khose, Advocates
Petitioner

For the 2nd Party/ : Set Ex-parte
Management

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42011/87/2010-IR(DU) dated 26.04.2011 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Auroville Land Services in terminating the services of Sri A.M. Subburayan, an Ex-Draughtsman w.e.f. 22.08.2003 is legal and justified? What relief the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal

has numbered it as ID 39/2011 and issued notices to both sides. Petitioner entered appearance. The Respondent though served with notice has not turned up in spite of several adjournments. Eventually it has been called absent and set ex-parte.

3. Petitioner filed Claim Statement, the averments of which briefly read as follows:

Petitioner, studied upto PUC, was appointed by 2nd Party as a Draughtsman on 01.09.1987 with a salary of Rs. 450/- per month initially with increase of 10% every year. After 13 years service also his salary was only Rs. 3,225/- per month in 2001. He on 03.02.2001 by a letter requested for revision of his salary since it was not possible for him to cope up with his meagre income. Even when his juniors and similar workmen got more salary he was paid less. On 12.03.2001 also he requested by letter to enhance his salary. There was large scale disparity between salary paid to Aurovillian staff and staff not Aurovillians, apart from discriminating as regards other benefits or welfare measures. The Non-Aurovillian staff complained to the Regional Labour Commissioner (Central). Petitioner's brother complained to the Secretary of the Auroville Foundation against the attempt to purchase lands by the Executive for the foundation where the lands were involved in a dispute before High Court with was for his personal gains. As a vindictive measure for all these reasons petitioner's services were terminated w.e.f. 01.09.2003 for the alleged reason that Draughtsman work was going to be computerized and there was no need for manual Draughtsman work. Petitioner informed the 2nd Party that he should be continued since petitioner had got computer training and was also ready to undergo further training, if necessary. On 01.09.2003 he requested for reinstatement. He also sent a legal notice on 02.09.2003, but all in vain. The dispute was raised thereafter with Assistant Commissioner of Labour (Central) before which 2nd Party raised false plea that legal dues were paid to petitioner but were denied by him. It was also falsely pleaded that a reply was sent by them to the legal notice. The Demand Draft towards Gratuity, one month's notice pay and one month's salary as bonus sent with letter dated 19.04.2004 was returned by the petitioner vide letter dated 29.04.2004 by not accepting the termination. Conciliation having failed, lastly upon a legal notice dated 13.11.2010 to the Government the reference was occasioned. The termination is malafide and vindictive and is therefore illegal. The reason assigned is not genuine or bonafide. The 2nd Party ought to have issued Section-9A notice before computerization which amounts to alteration in conditions of service adverse to the 1st Party. Therefore the termination is void, *nonest* and inoperative. Termination would amount to retrenchment under Section-2 (oo) of the ID Act. There is violation of Section-25F. Petitioner had put in 16 years of continuous and long service. It is denied that legal dues were paid to

the petitioner. The returned DD was sent long after termination. The DD sent was not towards compensation as well. One Anbu, junior to petitioner with no pass in SSLC was given training after termination of 1st Party since Anbu was an Aurovillian. There is violation of Section-25(G) and the action is discriminatory. Petitioner was not terminated for any misconduct. His work was permanent and continuous in nature. Petitioner has been without employment after termination. He has already attained the age of superannuation on 31.08.2011. He is entitled to back wages and all other attendant benefits like bonus, earned leave, etc. from date of termination to date of superannuation and terminal benefits such as PF, Gratuity and Pension. Termination is to be held as illegal and unjustified and he is to be given full back wages with all benefits by giving him a paper reinstatement together with terminal benefits with interest and costs.

4. Respondent being ex-parte, it is needless to say no counter statement is forthcoming.

5. Points for consideration are:

- (i) Whether the termination from service of the petitioner, an Ex-Draughtsman is legal and justified?
- (ii) To what relief the concerned workman is entitled?

6. The evidence consists of the oral evidence of WW1 and Ex.-W1 to Wx.W22 on the petitioner's side with no evidence from the other side (ex-parte).

Points (i) & (ii)

7. Petitioner's claims stand proved by sworn affidavit and Ex. W1 to Ex. W22 which go to show that contentions in the pleadings on the basis of which he has sought to be reinstated into service with all benefits are true and he is entitled to the reliefs sought for. It is in evidence that his termination, not as a measure of punishment and without satisfying the requirements of the conditions under Section-25(F) of the ID Act is not valid. He is not terminated for any valid or genuine reason. The termination is illegal and discriminatory. His junior has been provided with training after his termination in violation of Section-25G of the ID Act. There has not been payment of notice pay or compensation at the time of termination. Attempt to pay the same long after the termination cannot amount to due compliance of the conditions. The action of the 2nd Party appears to be vindictive. The termination is illegal, unjust and is nonest in the eye of law. Petitioner has been provided to be without employment after termination until date of superannuation viz. 31.08.2011.

8. Considering all these aspects, standing not rebutted the petitioner is entitled to the reliefs prayed for. Therefore he is ordered to be given a paper reinstatement with back wages continuity of service and all other

attendant benefits like bonus, earned leave, etc. from date of termination to the date of superannuation and terminal benefits such as PF, Gratuity, Pension under EPF Pension Scheme, 1995.

9. No order for payments of interest or costs.

10. Reference is answered accordingly.

(Dictated to the P.A. Transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th October, 2011)

A.N. JANARDANAN,
Presiding Officer

Witnesses Examined:

For the 1st Party/ : WW1, Sri A.M. Subburayan
Petitioner

For the 2nd Party/ : None
Management

Documents Marked:

On the petitioner's side

Ex. No.	Date	Description
Ex. W1	03.02.2001	Letter from the 1st to the Executive Land Service
Ex. W2	12.03.2001	Letter from the 1st Party to the Secretary Auroville Foundation
Ex. W3	27.05.2002	Letter from the Staffs Land Services Auroville to the Labour Commissioner (Central)
Ex. W4	28.06.2002	Letter from the Assistant Commissioner of Labour (Central), Chennai to the Labour Enforcement Officer (Central) Pondicherry
Ex. W5	11.06.2003	Letter from the 1st Party brother to the Secretary Auroville Foundation
Ex. W6	22.08.2003	Termination order issued by the 2nd Party
Ex. W7	01.09.2003	Letter from the 1st Party to the Executive Land Service, Auroville
Ex. W8	02.09.2003	Legal notice sent by the 1st Party to the 2nd Party
Ex. W9	03.09.2003	Representation made by the 1st Party to the Deputy Commissioner of Labour
Ex. W10	13.10.2003	Dispute raised before ACL (Central) by the 1st Party
Ex. W11	04.12.2003 25.02.2004 29.04.2004	Representations sent by the 1st Party to Asstt. Commissioner of Labour (Central)
Ex. W12	10.06.2005	Letter from the 1st Party to the Labour Commissioner (Central)
Ex. W13	30.06.2006	Letter from the 1st Party to the ACL (Central)
Ex. W14	21.07.2006	Reply filed by the 2nd Party before the ACL (C)

Ex. No.	Date	Description
Ex. W15	29.04.2004	Letter sent by the 1st Party to 2nd Party alongwith DD
Ex. W16	28.07.2006	Rejoinder filed by the 1st Party to the remarks of the 2nd Party
Ex. W17	27.02.2008	Letter from the 1st Party the Executive Land and Estate Management
Ex. W18	08.09.2008 02.03.2009 07.09.2009	Representations sent to by the 1st Party to the Assistant Commissioner of Labour (Central)
Ex. W19	07.12.2009	Failure report issued by the ACL (C)
Ex. W20	28.10.2010	Letter from the 1st Party to the Secretary to Government of India, Ministry of Labour and Employment.
Ex. W21	13.11.2010	Legal notice sent by the 1st Party to Secretary, Government of India, Ministry of Labour
Ex. W22	26.04.2011	Order referring the dispute for adjudication by the Government of India, Ministry of Labour

On the Management's side

Ex.No.	Date	Description
	Nil	

नई दिल्ली 16 नवम्बर, 2011

का. आ. 3562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जी०एम०टी०, बी० एस० एन० एल०, कालीकट के प्रबंध तंत्र के संबद्ध नियोजनों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोचीन के पंचाट (संदर्भ संख्या 7/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 11 2011 को प्राप्त हुआ था।

[सं० एल-40012/41/2008-आईआर०(डीयू०)]
जोहन तोपनो, अवसर सचिव

New Delhi, the 16th November, 2011

S.O. 3562.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2009) of the Central Government Industrial Tribunal cum Labour Court, Cochin as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of General Manager Telecom, BSNL, Calicut and their workman, which was received by the Central Government on 16.11.2011.

[No. L-40012/41/2008-IR(DU)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri D. Sreevallabhan, B.Sc., LL.B.,
Presiding Officer

(Tuesday the 25th day of October, 2011/
3rd Kartika, 1933)

I.D. 7/2009

Workman : Shri K. Shaji,
Pullukkudikunnel House,
Manipuram P.O. Koduvally,
Kozhikode.

By Adv. Smt. Sadhana Kumari E.

Management : The General Manager,
Telecom, B.S.N.L.
Calicut.

By Adv. Saji Varghese.

This case coming up for final hearing on 21-10-2011
and this Tribunal-cum-Labour Court on 25-10-2011 passed
the following.

AWARD

The Central Government in exercise of the powers
conferred by clause (d) of sub-section (1) and sub-section
(2A) of Section 10 of the Industrial Disputes Act, 1947 (14
of 1947) has referred this industrial dispute for adjudication
to this Tribunal vide order No. L-40012/41/2008-IR(DU)
dated 16-02-2009.

2. The dispute is:

**"Whether the action of the management of the
General Manager, Telecom, BSNL, Calicut, in
terminating the services of their workman Shri K.
Shaji w.e.f. 2003 is legal and justified? If not, to
what relief the workman is entitled to?"**

3. The workman after his appearance filed claim
statement with a prayer for regularisation of his service as
casual labour by making allegations to support the same
and without any allegation challenging the validity of
termination of his service.

4. According to him he was engaged as a Casual
Mazdoor in the year 1985 by the authorized officers of the
Department of Telecom, (DOT) and worked 220/206 days
in an year upto 2004. Afterwards he was not taken for
employment due to the specific instructions to his superiors
by the B.S.N.L. since he had filed cases against the
management before the Central Administrative Tribunal
and the Hon'ble High Court of Kerala. As per Casual

Labourers (Grant of Temporary Status and Regularisation)
Scheme dated 07.11.1989 he was entitled to be confirmed
with temporary status. It was not done even after making
several representations and filing cases against the
management. Persons similarly placed and junior to him
have been regularized by the management without even
considering the representations made by him to the
management. Hence he had approached the Hon'ble High
Court of Kerala by filing O.P. No. 19753/2003. Pursuant to
the direction in that O.P. he filed application for
regularisation but the same was rejected by the
management. As he was appointed by the DOT officers in
accordance with the rules in the P & T Manual and had
been working for more than a period of 19 years he is entitled
to be regularized.

5. In the written statement filed by the management it
is contended that he claimant is not entitled to get any
relief as there is nothing to satisfy the conditions to be
fulfilled for the conferment for empanelment, temporary
status and regularisation. The DOT used to engage casual
labourers for their various works related to expansion of
telephone network. But there was a total ban on recruitment/
engagement of casual workers from 22.06.1988. In order to
claim temporary status as per the Casual Labourers (Grant
of Temporary Status and Regularisation) Scheme the casual
labourer must be one in employment before the ban and
also at the time of the commencement of the scheme and in
continuous service of at least one year, out of which he
must have been engaged on work for a period of 240 days
(206 in the case of offices observing five day week). The
claimant was unable to satisfy the fulfillment of the
conditions for temporary status. He had abandoned the
casual work before one year from the date of commencement
of the scheme and hence it was impossible to count his
past casual service for any purpose. Only those who were
eligible for temporary status were given the benefits. The
management had done nothing to deny the benefits that
are legitimately due to him. As per the direction of the
Central Administrative Tribunal, Ernakulam Bench in OA
1402/93 and the connected cases, applications were invited
for empanelment and those found to be eligible after
scrutiny were empanelled. The workman had not submitted
any application for empanelment which was to be made
within a period of 30 days from the date of publication of
notice. His applications and representation for
regularisation were properly considered by the competent
authority. But the same were rejected as there was no merit
in his claim. Hence he is not entitled to any relief.

6. Workman did not file any rejoinder in spite of
granting several adjournments.

7. On the side of the workman he was examined as
WW1 and Exts. W1 to W7 were marked. MW1 was
examined and Exts. M1 to M6 were marked from the side of
the management.

8. The points for determination are:

- 1) Whether the claim for regularization can be considered in this reference?
- 2) Whether there is any reason to hold that the management of the General Manager, Telecom BSNL, Calicut in terminating the services of their workman Sri. K. Shaji w.e.f. 2003 is not legal and justifiable?
- 3) What relief, if any, the workman is entitled to?

9. **Point No. 1:**—The reference is for the purpose of adjudication of the dispute whether the termination of the workman from the services of the management w.e.f 2003 is legal and justified. The reference is not in any way concerned with regularisation of his service. The entire pleadings as well as the evidence adduced in this case have no bearing on the question of considering the termination of his service. Regularisation is not a matter crops up for consideration in this reference. It cannot even said to be a matter appearing to be connected with or relevant to the dispute for the purpose of answering the reference. It is not known what persuaded the workman to formulate the pleadings and to adduce evidence for considering the issue of regularisation.

10. An industrial dispute as to regularisation is to be espoused either by a union or a number of workmen in the establishment. In the decision reported in Mangalam Publications (India) Pvt. Ltd. v. Thampy 2006(2) KLT 327 it was clearly laid down that grievance of an individual workman cannot be adjudicated in a reference under S.10(1)(c). Therein it was held:

"The dispute should be (1) between the employees and employers/(2) between employers and workmen/(3) between workmen and workmen/(4) and the dispute should be regarding (a) employment or non-employment/(b) the terms of employment/(c) the conditions of labour of any person. It is fairly clear that the industrial dispute contemplated under S.2(k) is a collective industrial dispute. Any grievance of a workman in an industry has normally a collective dimension and if that is resolved through the collective effort, neither the management nor other workmen need be dragged to unnecessary litigation. Otherwise, it would lead to the situation of every workman either opting for or being forced to getting his grievance redressed in an adjudication. That would certainly affect the industrial peace. Individual grievances unless sponsored through the Union or when there is no Union through the medium of an appreciable number of workmen in the establishment, cannot be adjudicated as an industrial dispute in a reference under S.10(1)(c)."

11. Here in this case it is only an individual dispute and cannot even be treated as an industrial dispute. An industrial dispute under the Industrial Disputes Act is to be one between the employer and workmen which is connected with the employment or non employment or the terms of employment or the conditions of labour of any person. There is a distinction between individual dispute and collective dispute. When an individual dispute becomes a collective dispute between the employer and the workmen it can be treated as an industrial dispute under the said Act. An individual dispute which has not become a collective dispute cannot be characterized as an industrial dispute. It is a necessary requirement that the claim put forward should be on behalf of the employees or workmen generally. The essential characteristic of an industrial dispute is a difference of opinion between the employer and the employees in an industry in relation to a claim generally made on the behalf of the employees or of a section of the employees or of even one employee depending upon the facts and circumstances of the peculiar case. It is well settled law that an individual workman cannot raise an industrial dispute coming within the purview of S.2(k) of the Industrial Disputes Act, 1947.

12: This Tribunal has no jurisdiction to consider the question of regularisation except through a reference espoused by a union or a substantial number of workmen in the establishment. As the question of regularisation will not come within the scope of this reference it does not deserve any consideration.

13. **Point No. 2:**—It is the case of the workman that he was working as a casual labourer from 1985 to 2004. As already pointed out there is conspicuous absence of pleading as to termination of his services. It is only stated in the claim statement that he was working with the management till 2004 and after that he was refused to be taken for employment due to the specific instructions to his superiors by B.S.N.L. There is no case for him that he was continuously employed for 240 days in an year as a casual labourer and hence termination of service can only be by complying with the requirements under Section 25-F of the Industrial Dispute Act, 1947. The contention put forward by the management in the written statement is that the claimant abandoned his casual work before one year prior to the implementation of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme which came into effect on 01.10.1989. There is no satisfactory evidence in this case to prove that the workman was engaged from 1985 to 2004 as alleged by him. He has produced copy of the attendance register for the months of February 1985 and March 1985 to satisfy that he was engaged in the year 1985. Those were marked as Exts. W2 and W3. Management has got a case that there was no practice of marking attendance by the casual labourers. It is also pointed out that in para 12 of the proof affidavit of

WW1 filled in lieu of chief examination on 5th May 2010 in this case he is stated to be aged 40 years. If that be so he was aged only 15 years in the year 1985. In Ext. W4, copy of the electoral card, his age is 24 on 01.01.1998. Then his age was about 11 years in 1985. There is the least possibility of a minor being employed as a casual labourer by the Department of Telecom. Ext. W1 was produced to prove that he was employed as casual labourer during 2000 to 2002. But it would go to show that he had received cost for arranging workmen for the Telephone Exchange, Koduvally. There is no case for the workman either in the claim statement or during his examination as WW1 that he was engaged continuously for a period of 240 days in an year at any time. In para 16 of the claim statement it is stated that he had worked for 220/206 days in an year. Para 17 of the proof affidavit contains an averment to that effect. During his cross examination he did not make any answer to the question about the number of days worked in an year. It was stated by him that he was engaged by an officer of the department of telecom. There is absolutely no evidence in this case to prove that he was appointed as a casual labour or he had worked for a period of more than 240 days in an year at any time. Being only a casual labour his services can be terminated at any time by the management without complying with the requirements under Section 25-F of the Industrial Disputes Act. At any cost there is no reason to hold that his service was illegally terminated by the management.

14 Point No. 3: As it is not proved that there was termination of the service of the workman and the same is not legal and valid he is not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of October, 2011.

APPENDIX

Witness for the Workman

WW1 - Shri Shaji K., Workman

Witness for the Management

MW1 - Rajan Nair M.T., Sub Divisional Engineer, BSNL, Kunnamangalam.

Exhibits for the Workman

W1 - Photocopy of the Work Diary.

W2 - Photocopy of the Attendance Register for the month of March 1985.

W3 - Photocopy of the Attendance Register for the month of February 1985.

W4 - Photocopy of the voters identity card of the workman.

W5 - Photocopy of Order No. LC.III/152/OP No. 19753/2003 dated 30.09.2003.

W6 - Photocopy of the judgement dated 6.7.2007 in W.P. (C) 35782/05.

W7 - Photocopy of the counter reply statement filed by Shri C. Rajagopalan.

Exhibits for the Management

M1 - Photocopy of the Official Memorandum dated 30.09.2000 of Ministry of Communications, Department of Tele-communication Services and the certificate of incorporation dated 15.09.2000 issued by the Registrar of Companies.

M2 - Photocopy of letter No. 270-6/84-STN dated 22.06.1988 of DOT.

M3 - Photocopy of the rules regarding the destruction of accounts records.

M4 - Photocopy of the personal file of Shri V.K. Narayanan Nair, Part-time employee of Koduvally Telephone Exchange.

M5 - Photocopy of Appendix-3 in Part-I, Vol. III of the Posts and Telegraphs Financial Handbook.

M6 - Photocopy of Chapter XI in Vol. I of Swamy's Compilation of Posts & Telegraphs Financial Handbood.

नई दिल्ली, 16 नवम्बर, 2011

का.आ. 3563.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीएसएनएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 16/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2011 को प्राप्त हुआ था।

[सं एल-40011/16/2005-आई आर (डी यू)]
जोहन तोपनो, अवसर सचिव

New Delhi, the 16th November, 2011

S.O. 3563.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2006) of the Central Government Industrial Tribunal cum Labour Court, Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of **Gospara Telephone Exchange under Malda Telecom District of BSNL** and their workman, which was received by the Central Government on 16.11.2011.

[No. L-40011/16/2005-IR(DU)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 16 of 2006

Parties: Employers in relation to the management of
Telecom, Distt. Malda

AND

Their Workmen.

Present: **Justice Manik Mohan Sarkar**

...Presiding Officer

Appearance:

On behalf of the : Mr. P.K. Chatterjee, Ld.
Management Advocate with
Mr. J.N. Chowdhury, Ld.
Advocate.

On behalf of the : Mr. S.K. Ghosh, Ld. Advocate
Workmen

State: West Bengal.

Industry: Telecom.

Dated: 31st October, 2011.

AWARD

By Order No. L-40011/16/2005-IR(DU) dated 18.05.2006 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether there is employer employee relationship between the management of Goalpara Telephone Exchange under Malda Telecom District of BSNL and Shri Jayant Kumar Dan S/o Late Radha Raman Dan. If so, whether the ID raised by Shri Jayant Kumar Dan against the management of BSNL about non-payment of wages and denial of employment is justified? If so, to what relief the workman is entitled to?"

2. On call today, none is found to be present on behalf of either of the parties.

3. Earlier, on my assumption of office, notice was issued to the respective parties on 15.06.2010 and in response thereto the workman Shri Jayanta Kumar Dan once appeared on 11.08.2010. On that occasion the notice upon the management viz. The General Manager, Telecom, distt. Malda, Bharat Sanchar Nigam Ltd., Malda - 732 101 was found to have been served as the A.D. was received back with the endorsement of service. Even thereafter nobody appeared on behalf of the management.

4. It is also found from the record that this matter is pending for cross-examination of five witnesses of the workman, namely, S/Shri Aresh Krishna Goswami, Ashim Chakraborty, Biswa Priya Roy Chowdhury, Jatindra Nath Ghosh and Jayanta Kumar Dan. Unfortunately, neither the workman nor the Ld. Advocate on behalf of the workman is present. None of the witnesses too is present. None also appears today on behalf of the management.

5. It is revealed from the record that on 13.04.2011 fresh notice was directed to be issued to the respective parties, which was actually issued on 21.04.2011 as it appears from the receipt of the Registered Post affixed in the case record. Though no A.D. Card has been received till date, service is presumed to have been done since the notices to the respective parties were sent by Registered Post with A.D. with proper postage stamp and in the correct address and in view of the said fact even though the A.D. Card has not been received back after service, service is presumed since more than one month has passed after issue of the notices.

6. In that case it is presumed that none of the parties are interested to proceed with the present reference any more and it is being unnecessarily dragged on with the expectation that the parties may appear and pursue their respective cases. In view of the conduct of the respective parties, specially from the side of the workman, it is presumed that at present no industrial dispute is prevailing. So, the present reference is presumed to have no industrial dispute at present.

7. In view of the above finding, let a "No Dispute Award" be recorded in the present reference.

An Award is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer

Dated, Kolkata,

The 31st October, 2011.

नई दिल्ली, 16 नवम्बर, 2011

AWARD

का.आ. 3564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी० एस० एन० एल०, कालीकट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोचीन के पंचाट (संदर्भ संख्या 8/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.11.2011 को प्राप्त हुआ था।

[सं० एल-40012/35/2008 - आई.एस.ए. (डी.यू.)]
जोहन तोपनो, अव्वर सचिव

New Delhi, the 16th November, 2011

S.O. 3564.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2009) of the Central Government Industrial Tribunal cum Labour Court, Cochin as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of General Manager Telecom, BSNL, Calicut and their workman, which was received by the Central Government on 16.11.2011.

[No. L-40012/35/2008-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

Present: Shri. D. Sreevallabhan, B.Sc., LL.B.,
Presiding Officer

(Tuesday the 27th day of October, 2011/
5th Kartika, 1993)

1.D.8/2009

Workman : Shri. C. Velayudhan,
Chalil House,
Koduvally,
Kozhikode.

By Adv. Smt. Sadhana Kumari. E

Management : The General Manager,
Telecom, B.S.N.L.,
Calicut.

By Adv. Saji Varghese.

This case coming up for final hearing on 21.10.2011 and this Tribunal-cum-Labour Court on 27.10.2011 passed the following.

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government referred this industrial dispute for adjudication to this Tribunal vide order No. L-40012/35/2008-IR (DU) dated 16.02.2009, with the following schedule:

"Whether the action of the management of the General Manager, Telecom BSNL, Calicut, in terminating the services of their workman Shri. C.Velayudhan *w.e.f.* 2003 is legal and justified? If not, to what relief the workman is entitled to?"

2. This reference is made at the instance of the workman with regard to the termination of his services by the management *w.e.f.* 2003. After his appearance before this Tribunal he filed claim statement by making a prayer for regularising his service as a casual labourer by making allegations in support of the same and without any specific allegation challenging the validity of termination of his service.

3. According to him he was appointed as a casual labourer by the authorized officers of the Department of Telecom in accordance with the rules. He was engaged as Mazdoor in various offices during intermittent periods from 1973 onwards and was continuously engaged from 02.11.1999 till 2003. He was issued with a casual mazdoor card on 08.02.1983 and his name was in the muster rolls. As per Casual Labourers (Grant of Temporary Status and Regularisation) Scheme dated 07.11.1989 he was entitled to be confirmed with temporary status. It was not done even after making several representations and filing cases against the management. Persons similarly placed and junior to him have been regularized by the management without even considering the representations made by him for regularisation. Hence he filed O.P. No. 19753/2003 before the Hon'ble High Court of Kerala and pursuant to the direction in that case he filed application for regularisation. But the same was rejected by the management. As he had worked from 1977 till 2003 which is more than 26 years after his appointment by the authorized officers of the DOT and he had worked for 220 days in an year before the imposition of ban of casual labourers he is entitled to be regularized.

4. In the written statement filed by the management it is contended that the claimant is not entitled to get any relief as there is nothing to satisfy the conditions to be fulfilled for the conferment for empanelment, temporary status and regularisation. The DOT used to engage casual labourers for their various works related to expansion of telephone network. But there was a total ban on recruitment/engagement of casual workers from 22.06.1988. In order to claim temporary status as per the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme the casual

labourer must be one in employment before the ban and also at the time of the commencement of the scheme and in continuous service of at least one year, out of which he must have been engaged on work for a period of 240 days (206 in the case of offices observing five day week). The claimant was unable to satisfy the fulfillment of the conditions for temporary status. He had abandoned the casual work before one year from the date of commencement of the scheme and hence it was impossible to count his past casual service for any purpose. Only those who were eligible for temporary status were given the benefits. The management had done nothing to deny the benefits that are legitimately due to him. As per the direction of the Central Administrative Tribunal, Ernakulam Bench in OA 1402/93 and the connected cases, applications were invited for empanelment and those found to be eligible after scrutiny were empanelled. The workman had not submitted any application for empanelment which was to be made within a period of 30 days from the date of publication of notice. His applications and representations for regularisation were properly considered by the competent authority. But the same were rejected as there was no merit in his claim. Hence he is not entitled to any relief.

5. No rejoinder was filed by the workman even though he was afforded sufficient opportunity to file the same.

6. On the side of the workman he was examined as WW1 and Exts. W1 to W5 were marked. MW1 was examined and Exts. M1 to M5 were marked from the said of the management.

7. The points for determination are:

1. Whether the claim for regularisation can be considered in this reference?
2. Whether there is any reason to hold that the management of the General Manager, Telecom BSNL, Calicut in terminating the services of their workman Sri C. Velayudhan w.e.f. 2003 is not legal and justifiable?
3. What relief, if any, the workman is entitled to?

8. Point No. 1:—The reference is for the purpose of adjudication of the dispute whether the termination of the workman from the services of the management w.e.f. 2003 is legal and justified. The reference is not in any way concerned with regularisation of his service. The entire pleadings as well as the evidence adduced in this case have no bearing on the question of considering the termination of his service. Regularisation is not a matter crops up for consideration in this reference. It cannot even said to be a matter appearing to be connected with or relevant to the dispute for the purpose of answering the reference. It is not known what persuaded the workman to formulate the pleadings and to adduce evidence for considering the issue of regularisation.

9. An industrial dispute as to regularisation is to be espoused either by a union or a number of workmen in the establishment. In the decision reported in Mangalam Publications (India) Pvt. Ltd. v. Thampy it was clearly laid down that grievance of an individual workman cannot be adjudicated in a reference under S. 10(1)(c). Therein it was held:

"The dispute should be (1) between the employees and employers (2) between employers and workmen/ (3) between workmen and workmen/(4) and the dispute should be regarding (a) employment or non-employment/(b) the terms of employment/(c) the conditions of labour of any person. It is fairly clear that the industrial dispute contemplated under S. 2(k) is a collective industrial dispute. Any grievance of a workman in an industry has normally a collective dimension and if that is resolved through the collective effort, either the management nor other workmen need be dragged to unnecessary litigation. Otherwise, it would lead to the situation of every workman either opting for or being forced to getting his grievance redressed in an adjudication. That would certainly affect the industrial peace. Individual grievances unless sponsored through the Union or when there is no Union through the medium of an appreciable number of workmen in the establishment, cannot be adjudicated as an industrial dispute in a reference under S. 10(1)(c)."

10. Here in this case it is only an individual dispute and cannot even be treated as an industrial dispute. An industrial dispute under the Industrial Disputes Act is to be one between the employer and workmen which is connected with the employment or non employment or the terms of employment or the conditions of labour of any person. There is a distinction between individual dispute and collective dispute. When an individual dispute becomes a collective dispute between the employment and the workmen it can be treated as an industrial dispute under the said Act. An individual dispute which has not become a collective dispute cannot be characterized as an industrial dispute. It is a necessary requirement that the claim put forward should be one behalf of the employees or workmen generally. The essential characteristic of an industrial dispute is a difference of opinion between the employer and the employees in an industry in relation to a claim generally made on behalf of the employees or of a section of the employees or of even one employee depending upon the facts and circumstances of the peculiar case. It is well settled law that an individual workman cannot raise an industrial dispute coming within the purview of S. 2(k) of the Industrial Disputes Act, 1947.

11. This Tribunal has no jurisdiction to consider the question of regularisation except through a reference

espoused by a union or a substantial number of workmen in the establishment. As the question of regularisation will not come within the scope of this reference it does not deserve any consideration.

12. Point No. 2:—It is the case of the workman that he was working as a casual labourer during intermittent periods from 1973 to 02.11.1999 and thereafter continuously up to 2003. As already pointed out there is conspicuous absence of pleading as to termination of his services. In the claim statement there is no allegation that he was continuously employed for 240 days in an year as a casual labourer and that his service was terminated without complying with the requirements under Section 25-F of the Industrial Disputes Act, 1947. It is only stated that he was in service till 2003. Even according to him he had worked only for 220 days in an year as a casual labourer. Even though it is alleged that he was appointed by the authorized officers of the DOT as a casual Mazdoor no document is produced to prove the same. Exts. W1 and W2 were produced to prove that he had worked as casual labourers in broken periods during the year 1976 to 1978 and 1983 to 1984. The contention put forward by the management in the written statement is that the workman abandoned his casual work before one year prior to the implementation of the Casual Labourers (Grant of Temporary Status and Regularisation) Schemes which came into effect on 1.10.1989. There is no satisfactory evidence in this case to prove that the workman was engaged from 1973 to 2003 as alleged by him. There is absolutely no evidence from 1973 to 2003 as alleged by him. There is absolutely no evidence in this case to prove that he had worked for a period of more than 240 days in an year at any time. It is pointed out by the learned counsel for the management that in para 12 of the proof affidavit filed by him on 01.06.2010 he is stated to be aged 51 years. If that be so he was aged only 13 years in the year 1973. There is the least possibility of a minor being employed as a casual labourer by the Department of Telecom. There is no case for the workman either in the claim statement or during his examination as WW1 that he was engaged continuously for a period of 240 days in an year at any time. In para 17 of the proof affidavit it is clearly stated that he had worked for 220 days in an year. There is absolutely no evidence to prove that he was appointed as a casual labourer or that he had worked for a period of more than 240 days. Being only a casual labourer his services can be terminated any time by the management without complying with the requirements under Section 25-F of the Industrial Disputes Act. At any cost there is no reason to hold that his service was illegally terminated by the management.

13. Point No. 3:—As it is not proved that there was termination of the service of the workman and the same is not legal and valid he is not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 27th day of October, 2011.

D. SREEVALLBHAN, Presiding Officer

APPENDIX

Witness for the Workman

WW1 — Shri C. Velayudhan, Workman.

Witness for the Management

MW1 — Rajan Nari M.T., Sub Divisional Engineer, BSNL, Kunnamangalam.

Exhibits for the Workman

- W1 — Photocopy of Casual Mazdoor Card.
- W2 — Photocopy of the certificate No. E-17/82-83/97 dated 29.10.1982 issued by Sub-Divisional Officer, Telegraphs, Calicut-5.
- W3 — Photocopy of Order No. L.C. III/152/OP No. 19753/2003 dated 30.09.2003 of the Chief General Manager, Telecom, BSNL, Kerala Circle, Trivandrum-33.
- W4 — Photocopy of the Judgement dated 06.07.2007 in WP(C) 35782 of 2005(1).
- W5 — Photocopy of the counter reply statement filed by C. Rajagopalan, Assistant General Manager (Administration), O/o. the Principal General Manager Telecom, Kozhikode.

Exhibits for the Management

- M1 — Photocopy of the Official Memorandum dated 30.09.2000 of Ministry of Communications, Department of Telecommunication Services and the certificate of incorporation dated 15.09.2000 issued by the Registrar of Companies.
- M2 — Photocopy of letter No. 270-6/84-STN dated 22.06.1988 of DOT.
- M3 — Photocopy of the rules regarding the destruction of accounts records.
- M4 — Photocopy of Appendix-3 in Part-I, Vol. III of the of Posts and Telegraphs Financial Handbook.
- M5 — Photocopy of Chapter XI in Vol. I of Swamy's Compilation of Posts & Telegraphs Financial Handbook.

नई दिल्ली, 16 नवम्बर, 2011

SCHEDULE

का.आ. 3565.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं -2 के पंचाट (संदर्भ संख्या-135/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 11 2011 को प्राप्त हुआ था।

[सं. एल-20012/90/2001-आई आर (सी I)]
डी० एस० एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, 16th November, 2011

S.O. 3565.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 135/2001*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of *M/s CCL*, and their workman, which was received by the Central Government on 16-11-2011.

[No. L-20012/90/2001-IR(C-I)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT

Shri Kishori Ram,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10
(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 135 OF 2001

PARTIES: Employers in relation to the management of
CCL and their workmen.

APPEARANCES:

On behalf of the workmen : None

On behalf of the employees : Mr. D.K. Verma,
Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 20th Sept. 201.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/90/2001 C-I dated, the 30.9.2001.

"KYA UNITED COAL WORKERS UNION KI CCL KHAS MAHAL PROJECT KEY PRAVANDHTAN-TRASEY MANG KI SUNCHI MEY DIYE GAYE 60 KARMKARO KO NIYAMIT KIYA JAYE UCHIT EVAM NAYASANGAT HAIN? YADI HAN TO KARMKAR KIS RAHAT KEY PATRA HAIN TATHA KIS TARIKH SEY?"

2. None represented the Union concerned nor the workmen Shri Rajendra Rewani and 59 others as per the list annexed to the reference, nor any witness produce on behalf of the workman for evidence. Mr. D.K. Verma, the Ld. Advocate for the management is present.

3. Perused the case record. I find that this is the eldest case of the year 2001 which has been pending so far since 31.8.2004 for the evidence of workmen, for which notices dt. 15.7.08 and 23.11.2010 were issued to the Union Secretary concerned for the production of witnesses on behalf of the workmen, yet not a single witness the Union has produced for evidence in order to prove the case of these workmen. It is also apparent from the case record that despite giving full opportunities including the last chance the Union failed to produce any WW. Thus the conduct of the Union representative as well as the workmen clearly shows their disinclination to proceed with the case. Hence, it is closed, as proceeding with the case for uncertainty will not bear any positive result. Accordingly order is passed.

KISHORI RAM, Presiding Officer

ANNEXURE-A

L-20012/90/2001 IR(C-1)

STATEMENT SHOWING THE DETAILS OF THOSE
R.W. WORKING ONE TIME RATE JOB AT KMP

Sl. No.	Name design.	PIS NO.	Designation which performance job	Period/ date since working
1.	Shri Rajendra Rawani, PRW	11962990	Maz. Cat. I (F/Breaker)	1988
2.	Shri Minatulla, PRW	11960457	-do-	1993
3.	Shri Arjun Raw, PRW	11949146	-do-	1994
4.	Shri Haridas Singh, PRW	11954849	Cat. I Maz.	1994
5.	Shri Minaj, PRW	12227426	-do-	1996
6.	Shri Sona Ram, PRW	12703021	-do-	1994
7.	Shri Bhuneshwar Saw, PRW	11950953	-do-	1994
8.	Shri Raghu Singh, PRW	11962818	-do-	1993

Sl. No.	Name design.	PIS NO.	Designation which performance job	Period/ date since working
9.	Shri Laldhari Mahto, PRW	11958394	-do-	1994
10.	Shri Ashlam Asraf, PRW	12727376	-do-	1995
11.	Shri Moti Mahto, PRW	11296096	-do-	1994
12.	Shri Dhaneshwar Prasad, PRW	11952823	-do-	1996
13.	Shri Sadhu Dhobi, PRW	11964772	-do-	1996
14.	Shri Lakhan Dhobi, PRW	11958133	-do-	1996
15.	Shri Sundar Manjhi, PRW	11967114	-do-	1984
16.	Shri Goutam B.P., PRW	11954492	-do-	1984
17.	Shri K. Ashok, PRW	11956747	-do-	1984
18.	Shri Bhagwat Lal, PRW	11950367	-do-	1984
19.	Smt. Kamli, PRW	12730909	-do-	1996
20.	Smt. D.K. Devi, PRW	12712501	-do-	1993
21.	Smt. Jagni Devi, PRW	12712477	Sote Maz.	1993
22.	Shri Kalidas Manjhi, PRW	11956927	G.Meat	1996
23.	Shri Vimal Singh, PRW	11951126	-do-	1996
24.	Shri Chhotelal Saw, PRW	11952108	Blasting Maz.	1994
25.	Shri Ratn Modi, PRW	11964392	Expl.	1994
26.	Shri Manger Munda, PRW	11959558	Expl. Carr.	1994
27.	Shri Ramlal Lohar, PRW	11963303	Exp. Carr. Cat. II	1994
28.	Shri Dhaneshwar Gosai	11952769	-do-	1995
29.	Shri Tansen Kole, PRW	11967379	-do-	1994
30.	Shri Sanjay Kr. Sharma, PRW	12727301	-do-	1995
31.	Shri Ajay Kr. Sah, PRW	12727350	-do-	1994
32.	Shri Gokul Kole, PRW	11954377	-do-	1994
33.	Shri Sitaram Rajwar	11966223	-do-	1994
34.	Shri Riyasat Mian, PRW	11964459	-do-	1994
35.	Shri Basat Kumar, PRW	12727277	-do-	1994
36.	Shri Mishir Mahto, PRW	11960465	Maz. Cat. II	1992
37.	Shri Lalu Mian, PRW	11958535	Driller, Cat. II	1994
38.	Shri Mustapha Mian, PRW	11961026	Driller Hel. Cat. II	1994
39.	Shri Afzal Ansari, PRW	11959962	Clerk Gr. II	1983
40.	Shri Hasmat Ali, PRW	12726875	Trammer, Cat. III	1994
41.	Shri Sobnath Lohar, PRW	11966645	-do-	1994
42.	Shri Rajendra Pd. Bumwal	12727384	-do-	1994
43.	Shri Aftaque Akhtar, PRW	1195995	-do-	1994
44.	Shri Arun Tanti, PRW	12727285	-do-	1994
45.	Shri Jagendra, PRW	11956695	-do-	1994
46.	Shri Budhu Kewat, PRW	12703351	-do-	1994

Sl. No.	Name design.	PIS NO.	Designation which performance job	Period/ date since working
47.	Shri Sudharu Kewat, PRW	11966801	-do-	1994
48.	Shri Banmali, PRW	11946864	-do-	1994
49.	Shri Mahadeo, PRW	11959079	-do-	1993
50.	Shri Biswanath No. I, PRW	11951423	-do-	1993
51.	Shri Deepak Kahar, PRW	11952553	-do-	1993
52.	Shri Probodh Mishra, PRW	12713053	-do-	1995
53.	Shri Dumbi Munda, PRW	11953312	-do-	1996
54.	Shri Sahu Munda	11964947	-do-	1996
55.	Shri Somu Munda, PRW	11966462	-do-	1996
56.	Shri Alimuddin Mian, PRW	11948767	-do-	1996
57.	Shri Kailakh Mahto, PRW	11956851	-do-	1996
58.	Shri Ghashi Ram, PRW	12725735	Number Takar	1992
59.	Shri Qurban Asnari, PRW	11962685	-do-	1992
60.	Shri Rathlal Dhobi, PRW	11964343	Store Maz. Cat. I PP/TR	1984

नई दिल्ली, 16 नवम्बर, 2011

का.आ. 3566.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल० एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं० -2 के पंचाट (संदर्भ संख्या-05/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2011 को प्राप्त हुआ था।

[सं एल-20012/116/2004-आई आर (सी I)]

डी० एस० एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, 16th November, 2011

S.O. 3566.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 05/2005*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of *M/s CCL*, and their workman, which was received by the Central Government on 16-11-2011.

[No. L-20012/116/2004-IR(C-I)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD.****PRESENT**

Shri Kishori Ram,

Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE NO.5 OF 2005

PARTIES: Employers in relation to the management of
Bastacolla Area of M/s. BCCL and their
workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. U. N. Lal, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad 4th November, 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/116/2004-I.R.(C-1), dated, the 15th Dec., 2004.

SCHEDULE

"Whether the action of the management of Bastacolla Area of M/s. BCCL in denying the payment of wages to Sri Bhikhai Jaiswara, Mining Sirdar of Ganudih Colliery for the following period of suspension is fair and legal?

24.8.02 to 3.9.02 - - 10 days

21.6.03 to 30.6.03 - 10 days

9.10.03 to 27.10.03 - 19 days

If not, to what relief is the concerned workman entitled?"

2. None represented the workman Bikhai Jaiswara, nor any witness for the evidence of workman has been produced Mr. U. N. Lal, the Ld. Advocate is present for the management.

3. Perused the case record. The present reference relates to the issue about the denial of the management to the payment of wages to the workman, the Mining Sirdar Ghanodh Colliery for the period of his suspension as specified under the Schedule. The case has been pending for the evidence of workman since 21.2.06 for which Regd.

Notices dt. 5.11.07, 29.11.07, 20.3.08, 25.10.2010, and lastly the show cause dt. 01.04.2011 were issued to the Union Representative but till now even after giving last chance no witness for the evidence of workman has been produced. The conduct of the Union as well as the workman for not producing any witness in behalf of the workman clearly indicates its or his disinterestedness in contesting the suit of the year 2004. Under these circumstances, proceeding with the case for infinity is futile as the wastage of time and energy of the Tribunal. Hence the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2011

का.आ. 3567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल०-एवं के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं०-1 के पंचाट क्षसंदर्भ संख्या/2000द को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/11/2011 को प्राप्त हुआ था।

[सं एल-20012/196/2000-आई आर(सी-1)]

डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 16th November, 2011

S.O. 3567—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 165/2000*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 16/11/2011.

[No. L-20012/196/2000-IR(C-I)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT
DHANBAD.****PRESENT**

Shri Kishori Ram,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 165 OF 2000

PARTIES: Employers in relation to the management of
M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 8th Nov., 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/196/2000 (C-1), dated, the 18th October, 2000.

"Whether the action of the management of Tetulmari Colliery of M/s. BCCL in not regularising the service of Sri Upendra Bouri as General Mazdoor Cat. I is justified? If not, to what relief is the concerned workman entitled and from what date?"

2. None represented the Union for the workman Upendra Bauri, nor any witness produced for the evidence of the workman despite the registered notices. Likewise none represented the management.

3. The present reference relates to the issue under Schedule about the action of the management of Tetulmari Colliery of M/s. BCCL in not regularising the service of workman Upendra Bauri as General Mazdoor Category-I. From the perusal of the case record it is evident that the case has been pending for the evidence of the workman since 5.5.2004, since then a number of registered notices dt. 4.3.08, 4.4.08, 25.10.10, 7.6.11 (show cause) and lastly 26.8.2011 were issued to the Union/workman yet till now not a single witness for the evidence of workman has been produced despite giving last chance. The conduct of the Union as well as the workman clearly shows its/his unwillingness to contest the case. Proceeding with the case for uncertainty is mere wastage of time and energy for no reasons. Hence the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली 16 नवम्बर, 2011

का.आ. 3568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. एवं के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध के पंचाट ~~संदर्भ~~ संख्या 49/2004 को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/11/2011 को प्राप्त हुआ था।

[सं. एल-20012/256/2003-आई आर (सी-1)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, The 16th November, 2011

S.O. 3568.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 49/2004*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 16/11/2011.

[No. L-20012/256/2003-IR(C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT
DHANBAD.**

PRESENT

Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 49 OF 2004

PARTIES: Employers in relation to the management of
P.B. Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. Sunil Kumar,
Advocate.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 2nd Nov., 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No.L-20012/256/2003-IR(C-1), dated, the 26th March, 2004.

"Whether the action of the management of KB 5/6 Pits Colliery of M/s. BCCL in dismissing Shri Deepak Kumar from the services of the company w.e.f. 6.4.98 is fair and justified? If not, to what relief is the concerned workman entitled?"

2. The case of the sponsoring Union for workman Deepak Kumar is that as per Appointment letter dt. 24.9.96/9.10. issued by the G.M. P.B. Area he was initially appointed as a Miner/Leader at Bhagaband Colliery under Special V.R.S. (female) in place of his mother Smt. Champa Kamin,

Sweeper at Gopalchak Colliery of the same Area. As per the Office Order dt. 18.10.1996 of the Project Officer, Bhagaband Colliery he was posted there along other Miner/Leaders. The concerned appointees including him were directed to appear before Group Training Officer, P.B. Area for their basic training for underground job w.e.f. 19.10.1996. The Group Training Officer, P.B. Area, as per letter dt. 01.11.96 requested the Project Officer concerned for job Training of concerned Miner/Leaders. On completion of his training period of 47 days between 25.10.1996 to 19.12.1996, the Group Training Officer, Group V.T.C. P.B. Area, as per letter dt. 19.12.96 released the workman to report for normal duty of Miner/Leader. Consequently the along with other Miner/Leaders was released *vide* Office Order dt. 30.11.96 to report for duties at Balihari Colliery as per the Dy. Chief Personnel Manager, P.B. Area's letter dt. 22/23.11.96.

The workman was again transferred to 5/6 pits, Hydro Mining of the Same Area as per Office Order dt. 25.3.1997; thus he was frequently transferred by the Management deliberately to harass him. While he was under treatment of Govt. Dispensary/Hospital including Central Hospital, Dhanbad due to his illness from 25.8.1997 after his reference by the Management and despite his information of it to the Management, he was issued a Chargesheet for absenteeism after four months and was dismissed from service arbitrarily, illegally and whimsically, without any second show cause or consideration of his inabilities of sickness, though he had reported for his duties after his recovery. He had submitted his reply and relevant papers in the Enquiry. Just an eye wash, yet the Enquiry Officer unconsidered it. The approval of his dismissal by the Competent Authority was a formality, and the dismissal of a poor person of Scheduled Caste for alleged absence of 4 months is disproportionate and illegal and arbitrary. The Management had allowed many workmen's mercy petition except his with due information of sickness. So the action of the management in dismissing the workman from services from 6.4.1998 is not fair and justified hence he claimed for re-instatement in his service full back wages.

3. Specifically denying the allegations of the Management, it is pleaded in rejoinder of the workman that the case for treatment to Central Hospital is always referred through authorities of M/s. BCCL; as such information regarding, his sickness was very much there, though the workman had also informed the management of his sickness, so the issuance of the chargesheet to him was irrelevant. Non supply of the Enquiry Report to him was against the principle of natural Justice, just as the enquiry was quite unfair and improper.

4. Whereas with categorical denials of the aforesaid allegations, pleaded case of the Management is that the workman was permanent Miner/Leader of K.B. 5/6 Pits Colliery of M/s. BCCL. He started to absent from his duty

w.e.f. 26.8.97 without information and sufficient cause, so far his misconduct the Management issued him the chargesheet No. 2365 dt. 3.12.97, to which has submitted his reply. On finding his reply unsatisfactory, the Management appointed the Enquiry Officer to conduct domestic enquiry according to the principle of natural justice. The Enquiry Officer after due notice fairly and properly held the domestic enquiry in presence of the workman, and submitted his report, holding him guilty of the charge levelled against him. On consideration of the entire proceeding the enquiry Report as well the past record of the workman, the Management/Disciplinary Authority dismissed him as per the dismissal letter dt. 5/6.4.98. The past two years attendance of the workman was 45 and 29 days in the year 1996 and 1997 respectively. He never worked continuously. He was a habitual absentee. So his dismissal was legal and justified.

Further pleading of the Management in its rejoinder is that the transfer of the workman is incidental. The Management provides free treatment to its employees, but the workman never reported his sickness to the Medical Officer or the Competent Authority of the Colliery. The Enquiry Officer gave him full opportunity for defence in the enquiry proceeding. The present industrial dispute as raised by the sponsoring Union after lapse of several years is not maintainable and the workman is not entitled to any relief.

FINDING WITH REASONING

5. In this case, since the Union Representative for the workman by the petition dt. 16.1.08 admitted the domestic Enquiry fair and proper, after hearing both the Ledarned Counsels for the respective parties over it, the Tribunal as per Order dt. 27.5.11 has accordingly held the Domestic Enquiry fair, proper and in accordance with the principle of natural justice, and all the enquiry papers were marked as Extt. M-1 to M-7 (on formal proof dispensed with) with their consent. Hence it came up directly for hearing arguments of both sides on merit.

6. Mr. Sunil Kumar, the Learned Advocate for the workman as per the authority letter dt. 08.3.11 of the Union Janta Mazdoor Sangh submits that the dismissal of the workman for alleged absence from duty, while he was ill was whimsical, non judicious and against social justice. Whereas Mr. D.K. Verma, Learned Advocate for the Management contended that the workman never reported his sickness to the Competent Authority for being his unauthorised absenteeism, his dismissal from service passed by the competent Authority after due domestic enquiry was legal and justified.

7. On persusal of the materials, all the enquiry proceeding marked Extt. M-1 to M-7 available on the case record, I find the following facts:—

- (i) The workman Dipak Kumar was admittedly a newly appointed employee/M/Leader at Bhagaband Colliery under V.R.S. (female) of his mother Smt. Champa Kamin, Sweeper of Gopakichak colliery of the same Area. He was transferred from Bhagaband to Balihari Colliery wherefrom to K.B. 5/6 Pits Colliery as evident from the Note Sheet (Ext. M-6).
- (ii) The Chargesheet dt. 3.12.97 (Ext. M-2) has the charge against him for his absence from duty without leave/permission or sufficient cause for more than 10 days w.e.f. 26.8.97 as his misconduct under clause 26.1.1 of the Certified Standing Order (C.S.O). He by his reply dt. 25.12.97 (Ext. M-3) admitted his guilt of it, and begged, an excuse for the mistake through justifying his absence due to his treatment by the Private Doctors for the slowly increased pain in his waist and chest caused by the slight hurt to him which he got treated by the Private Doctor (Dr. B.K. Thakur) as represented in his reply and statement (Ext. M-3 and M-4 series).
- (iii) The Chargesheet does not refer to his any previous such misconduct.
- (iv) No enquiry proceeding shows any second show cause to him by the Management prior to his dismissal.

Under these circumstances it is held that the dismissal of the workman from the service for aforesaid single misconduct is quite disproportionate to his admitted guilty. Hence, the dismissal order of the Management X towards the workman is set aside. Accordingly it is proper to hold that the action of the Management of K.B. 5/6 Pits Colliery of M/s. BCCL, in dismissing workman Deepak Kumar from the services of the company w.e.f. 06.4.98 is not fair and justified in law. So the workman is entitled to reinstatement in his service without back wages within a month from the date of its publication of the Award in the Gazette of India.

The Management is directed to implement the Award in the light of aforesaid observation.

KISHORI RAM, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2011

का.आ. 3569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी० सी० सी० एलू एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद नं०-2 के पंचाट क्षसंदर्भ संख्या 260/1999 को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 11 2011 को प्राप्त हुआ था।

[सं० एल-20012/465/1998-आई आर (सी-1)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 16th November, 2011

S.O. 3569.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 260/1999 of the Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 16.11.2011.

[No. L-20012/465/1998-IR(C-I)]
D.S.S. SRINIVASARAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2 AT DHANBAD)

PRESENT

Shri Kishori Ram,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10 (1) (d) of the I.D. Act, 1947.

REFERENCE NO. 260 OF 1999

PARTIES: Employers in relation to the management of
Govindpur Area No. III of M/s. BCCL and
their workman.

APPEARANCES:

On behalf of the workman : Mr. S. Sinha, Advocate.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State: Jharkhand Industry : Coal.

Dated, Dhanbad, the 28th October, 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/465/98-IR(C-I), dated, the 4th June, 1999

SCHEDULE

"Whether the action of the Management of Govindpur Area No. III of M/s. BCCL to dismiss Sh. Santosh Singh, Security Guard from service is justified? If not, to what relief the concerned workman is entitled to?"

2. The case of the sponsoring Union is that workman Santosh Singh was a permanent workman as Security Guard at Dharmabadh Colliery, Govindpur Area No. III of M/s. BCCL. His long faithful service was spotless. He was not allotted any quarter by the management, yet he used to

attend his duty from his native village Gulmara, P.O. Pargha, Dist. Dhanbad 20 K.M. away from the said Colliery. When he fell ill at home on 7.1.94, he informed the Management of his sickness by posting letters. As his illness continued, accordingly he continued to send its information by post to the management. On declaring him fit by the Attending doctor on 10.5.95, when he went to resume his duty, the management referred to the Medical Superintendent for further investigation on 19.5.95. But due to sudden illness on the way he could not reach the Medical Superintendent. He was again treated by Dr. P.P. Singh, Medical Officer, Baliapur, Health Centre, Baliapur, Dhanbad on whose declaration of his fitness, when he reported for duty on 12.3.96, the Management issued him a chargesheet under No. DC/PD/96 dt. 26.2.96 after two years that he was absent from duty from 7.1.94 without information and permission. He got it on 29.2.96 and submitted a reply to it. In course of the enquiry, he sought adjournments on a few dates for some personal reasons, the management held an *ex parte* enquiry into the chargesheet; and unmindfully and allegedly dismissed him from his service w.e.f. 26.10.1996. He was supplied neither the enquiry report nor the finding of the Enquiry Officer. Finally the industrial dispute was raised through the Union before the ALC(C) Dhanbad, but its conciliation failed, hence the reference.

3. The Union in its rejoinder has specifically denying the allegation of the Management, pleaded that the Union is functioning there and has every right to raise dispute of its members. Neither the Disciplinary Authority applied his mind nor second show cause was given to the workman, so the dismissal order was wrong, as the enquiry was not fair and proper.

4. Whereas the case of the management with categorical denial is that the reference raised by the Joint Secretary of the Union, an unrecognised one, not functioning at the Dharmaband Colliery of BCCL is unmaintainable. The workman began to absent unauthorisedly from his duty from 7.1.94 which was a misconduct according to the Certified Standing Order of the Company, so the Management issued him the chargesheet No. DC/PD/96 dt. 26.2.96 for his misconduct to which he submitted his reply dt. 1/19.3.96, denying the allegation against him. After finding his reply unsatisfactory, the Management appointed an Enquiry Officer to conduct domestic enquiry in accordance with the principle of natural justice. The Enquiry Officer conducted the enquiry in which the workman has fully participated, and was given full opportunities for his defence. Thereafter the Enquiry Officer submitted his report, holding the charges fully established against the workman. The Disciplinary Authority after going through the entire preceeding and the enquiry report decided to dismiss the workman from service for his proved misconduct; consequently, the workman was dismissed as

per his dismissal letter dt. 01.11.96 which was legal and justified. The enquiry conducted by the Enquiry Officer was fair, proper and according to the principle of natural justice.

In its rejoinder, the Management pleaded that the workman in course of Domestic enquiry despite full opportunity failed to produce any paper as a proof for his treatment for his long sickness. So the workman is not entitled to any relief.

Finding with Reasoning

5. The Perusal of the case record clearly reveals that since Mr. S. Singh, the Learned Advocate for the workman in course of hearing of the Management at preliminary point had conceded to the Domestic Enquiry as fair and proper, as well as to the Enquiry Papers which were marked at Extt. M1 to M9 on formal proof dispensed with, while the Presenting Officer of the Enquiry as MW was present, the predecessor Presiding Officer of the Tribunal-cum-Labour Court as per order dt. 13.01.2006 held the domestic enquiry fair, proper and in accordance with the principle of natural justice. Accordingly the case directly came up for hearing argument on merits.

6. Meanwhile, on the petition for substitution filed on behalf of Biren Devi w/o. late Santosh Singh (the workman) on 22.6.11 along with the original death certificate dt. 17.06.09 issued on prescribed form by the Gram Panchayat, Chandkuiyan Block Baliapur, Dist. Dhanbad, Jharkhand, in respect of the death of the workman on 04.06.09, and no objection to it in behalf of his/her heirs concerned. She has been substituted for her deceased husband as per order dt. 02.8.11 of the Tribunal.

7. Referring the authority 2007 (3) ILJR (S.B) 599, Chandrakant Choubey-versus-State of Jharkhand, Mr. S. Sinha, the Ld. Advocate for the Union submits that due to falling sick time and again, the workman (now deceased) get absent from his duty w.e.f. 7.1.94 and he had all along informed the management of his illness through Regd. letters as also justified by him all along during the domestic enquiry for the alleged misconduct, as such his dismissal from the service of the management for his alleged absentism appears to be harsh punishment as also held in the aforesaid case. Whereas Mr. D.K. Verma, Ld. Advocate for the management submitted that the workman got treated by the Private Doctor for his alleged sickness for two years since his absentism w.e.f. 7.1.94, but he did not file any documents to that effect as a proof. So after due enquiry into his aforesaid absentism, his dismissal from his service was quite proportionate to it; more-over Biran Devi, the wife of late workman Santosh Singh in her affidavit pointed her age 36 years on the date of her affidavit on 25.5.11, as such no case has been made out in behalf of the workman against the dismissal.

8. The perusal of the materials namely, the enquiry papers marked as Extt. M-1 to M-9 available on the case record manifests the following facts as I find:

- (i) Deceased workman Santosh Kumar Singh was indisputably a permanent employee as Security Guard of Dharmabad Colliery, Govindpur Area No. III of M/s. BCCL;
- (ii) The Chargesheet dt. 26.2.96 (Ext. M-2) specifies the absence of the workman from his duty from 07.01.94 under clause 26.1.1 of the Certified Standing Order (CSO) which deals with as such "Habitual late Attendance or wilful or habitual absence from duty without sufficient cause." The chargesheet was issued to the workman for his aforesaid single misconduct of absentism after two years giving an opportunity to explain his conduct within 48 hours as provided under clause 72.1 meant for minor penalty as contrasted with clause 27.2 which provides a period of 7 days for explaining the conduct of workman in case of Major penalty which includes dismissal or discharge from service under clause 21.1 of the C.S.O.
- (iii) The workman has all along justified his absence due to his illness, for which he was under treatment of Shri P.P. Singh, the Medical Officer, Primary Health Centre Baliapur, Dhanbad (Extt. M-5/12 to M-5/13 and he regularly informed the management of his sickness through his regd. letters or under Certificate of Posting (Ext.M-5/5 - M-5/11 series) as also apparent from his statement (Ext.M-5/3).

9. On the consideration of the aforesaid facts, it would not be unjust to observe that the dismissal of the workman (now deceased) from the service of the company for the single aforesaid misconduct of absentism was not only shocking but also disproportionate to his dismissal permanent service as a Security Guard towards the management. So it is liable to be set aside. Moreover, dismissal of an employee will be illegal if proper opportunity to meet the accusations has not been given as apparent from the application of the workman dt. 25/26.4.96 for an adjournment (M-5/14), the request for adjournment was not accepted and his explanation has not been considered as held in the case of K.V. Panduranga Rao v. Karnataka Dairy Development Corporation (1997) 91 FJR 123 : 1997.

In result, it is held that the action of the Management of Govindpur Area No. III of M/s. BCCL to dismiss workman Santosh Singh, Security Guard (now deceased) from the service is entirely legally unjustified. In case of his death on 04.06.2009 prior to his superannuation, his legal heirs namely, his nay son Ganesh Singh or Kanhai Singh in his place according to the choice of his wife, substituted

petitioner Biran Devi, as she is 65 years old as per her affidavit, would be entitled to employment in accordance with the rules as per the NCWA, or were the workman alive, he would have been entitled to reinstatement of his service but without back wages.

The Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

KISHORI RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2011

का.आ. 3570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गुडगांव ग्रामीण बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण दिल्ली के पंचाट (संदर्भ संख्या 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2011 को प्राप्त हुआ था।

[फा सं एल-12012/10/2006-आईआर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 17th November, 2011

S.O. 3570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 25/2006 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No 2, New Delhi* as shown in the Annexure, in the industrial dispute between the management of Gurgaon Gramin Bank, and their workmen, received by the Central Government on 17/11/2011.

[No. L-12012/10/2006-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

IN THE COURT OF SHIRSATNAMSINGH PRESIDING OFFICER

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT-II, KARKARDOOMA COURT
COMPLEX ROOM NO. 33 (GF), A-BLOCK,
KARKARDOOMA, DELHI**

ID No. 25/2006

In the matter of dispute between:

Dated: 19.10.2011

Shri Krishan Kumar Jatav, S/o late
Shri Kila Ram Jatav, Vill. & PO
Bolni, Tehsil & Distt. Rewari,
Rewari.

.....Workman

VERSUS

The Chairman,
Gurgaon Gramin Bank.
2069, Sector-4, Gurgaon (Haryana)
Gurgaon.

.....Mangement.

AWARD

The Central Government, Ministry of Labour vide order No. I.-12012/10/2006-IR(B-1) dated 16.05.2006 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of management of Gurgaon Gramin Bank in imposing the penalty of removal from the services of Shri Krishan Kumar Jatav, senior clerk, w.e.f. 26.03.2003 is just and legal? If not to what relief the workman is entitled to?"

Statement of claim was filed by the workman and written statement was filed by the management. Thereafter replication too was filed by the workman. The workman has concluded his evidence in this case. When the case was fixed for evidence of the management the parties submitted before the court that they were looking to settle the matter and as such on 22.09.2011 the case was fixed for reporting about settlement on 31.10.2011. However, in between on 19.10.2011 the parties moved a joint application informing the court about the settlement having been arrived at between the parties and requested for recording of the statement. On 19.10.2011 settlement entered into between the parties was recorded. The parties have mentioned the terms of settlement entered into between them in the application exhibited by the me as Ex. WM and the terms of settlement have been mentioned in para 3 of the application. In the joint statement the parties agreed to abide by the terms of settlement. In nutshell it was agreed upon between the parties that workman Mr. Krishan Kumar Jatav will be reinstated in service from the date on which the proceedings initiated by him before the National Commission for Schedule Castes are withdrawn by him after the present ID is disposed of. It has also been specifically agreed between the parties that the period from the date of his removal from his service i.e. with effect from 26.03.2003 and till he is reinstated in service will be treated as **not** on duty and the said period will not count for previous wages, increments or any other benefits whatsoever. The parties also agreed to take care of the other terms of settlement as mentioned in para 3 of the application Ex. WM. As per their request the settlement entered into between the parties has been taken on record and an award is passed in terms of the settlement entered into between the parties and mentioned in application Ex. WM and more particularly in para 3 of the said application.

Ex. WM will form part of the award. The reference sent by the Govt. of India to this court stands disposed of accordingly.

Dated: 19.10.2011

SATNAM SINGH, Presiding Officer

ID No. 25/2006

Shri Krishan Kumar Jatav Vs Gurgaon Gramin Bank
19.10.2011

Present: Workman Krishan Kumar Jatav in person

MR. H.V. Bharamgoudar, GM for Mgmt Bank.

File has been put up today as a result of the application moved by the parties for recording of settlement between them and the terms incorporated in the application itself. The application is also supported by the affidavit of the workman Mr. Krishan Kumar Jatav and of Mr. H.V. Bharamgoudar, General Manager of the management bank. The management bank has also enclosed the authorization of Mr. H.V. Bharamgoudar to move the appropriate application as per the approval of the Chairman of the management bank in this case. Let joint statement of the parties be recorded.

Joint statement of workman Mr. Krishan Kumar Jatav and of Mr. H.V. Bharamgoudar, General Manager of the management bank for and on behalf of the management bank.

ID No. 25/2006 is pending in this court since the year 2006. The workman approached the management bank for reconsideration of the matter and on his request the matter was considered at length and the parties have agreed to settle the matter and they have reached a settlement. The terms of the settlement agreed upon between the workman and the management bank have been mentioned in para 3 of the application. The parties agree to abide by the terms of the settlement recorded in the application. In nutshell the workman will be reinstated in service from the date on which the proceedings initiated by him before the National Commission for Schedule Castes are withdrawn by him after this ID is disposed of. The period from the date of his removal from service i.e. 26.03.2003 and till he is reinstated will be treated as **not** on duty and the said period will not count for previous wages, increments or any other benefits whatsoever. The terms of settlement are also to be taken care of by both the parties as mentioned in para 3 of the application. Both the parties request that settlement recorded in the application may be taken on record and award passed in terms thereof and this ID may be treated as finally disposed of and the reference sent by the Govt. of India to this Tribunal may be treated as disposed of accordingly. The application has been signed by the

workman and Mr. H. V. Bharamgoudar, General Manager of the management bank on each page (total 4 pages)

RO&AC

19.10.2011

PO

ORDER

In view of the settlement arrived at between the parties and the terms and conditions mentioned in the application (Ex. WM) itself, an award is passed separately in this case in terms of the settlement arrived at between the parties and the terms thereof mentioned in the application itself. Both the parties will be bound by the terms and conditions mentioned in the application. The reference sent by the Govt. of India stand disposed of accordingly.

Dated: 19.10.2011

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3571.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके न्यूनतम 80 प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है:

उप-क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम,
नोएडा

उप-क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम,
बोम्मसंद्रा

[सं.ई-11017/1/2006-रा.भा.नी.]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 28th November, 2011

S.O. 3571.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended 1987) the Central Government hereby notifies following offices under the administrative control of the Ministry of Labour & Employment, at least 80% Staff whereof have acquired working knowledge of Hindi:

Sub-Regional Office, Employees'
State Insurance Corporation, Noida

Sub-Regional Office, Employees'
State Insurance Corporation,
Bommasandra

[No. E-11017/1/2006-RBN]

CHANDRA PRAKASH, Joint Secy.